### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 1 of 383

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA.

Pamil.

WALKER RIVER PAILTE TRIBE.

Plaintiff-Intervenor.

VS.

WALKER RIVER IRRIGATION DISTRICT. a comporation, et al...

Defendants.

N EQUITY NO C-125-ECR Subproceeding: C-125-B

FIFTH REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES

The United States of America ("United States"), on behalf of itself and the Walker River Parute Tribe. "Tribe"), submits the following information related to its service efforts on persons and entities subject to service under the \*Case Management Order\* (Apr. 18, 2000) ("CMO"). As set forth in this pleading, the United States asks the Court to approve pertain service efforts, to amend the caption related to this phase of service, to make corrections and additions, and, in some instances, to take no action at this point as service efforts are continuing. The instant filing focuses on a portion of those persons and entities subject to service under Paragraph 3.a. of the CMO.

This is the Effh such filing that the United States has made in this action. The United States also filed its Found Separt of the Chica i States of America Concerning Status of Service.

. 7- 33-8: 7 ftd Sammae Kenat PLACED UNDER SEPARATE COVER



#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 2 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

1 .	Ding Rein	
Date: 3/20(65	Signature Denvis Accian	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify the	hat you are
	acting as:	of
	Denvis ALinda Acciai	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked be a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a court of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 3 of 383

-	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff.
5	WALKER RIVER PAIUTE TRIBE. ) IN EQUITY NO. C-125
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	vs. )
8 9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	
12	1. I hereby enter my appearance in this sub-proceeding in this case.
13	2. I am filing this document with the District Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:
13	Susan L. Schneider Attomey for the United States of America
20	United States Department of Justice Environment & Natural Resources Division
21	P.O. Box 756 Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe-
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represer
26	me in these proceedings. I identify that attorney below, along with his or her mailing address
27	telephone number, and facsimile number:
23	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

3:73		t 650 Filed 05/09/05 Page 4 of 383
1	Attorney:	
2		
3	Address:	
4	<u>.</u> ·	
5		
6	Phone Number:	
7	Fax Number:	De Rain
8		(Signature)
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11		(Printed or typed Name)
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13		· · · · · · · · · · · · · · · · · · ·
14		(Entity, if any, on whose
15		behalf you are appearing)
16		P. O. B. x 36
17		Sm Hh Nw 79430
18		(Address) 795-465-2358
19		(Telephone number)
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#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 5 of 383

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

Signature/

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has beer brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

of

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 6 of 383

-		
2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
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7	vs.	) )
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10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	-proceeding in this case.
12	2. I am filing this document with the Distri	ict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno. Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756	sion
21	Littleton, Colorado 80160	:>illrain all defenses or objection
22	4. I (or the entity on whose behalf I am acti	
23	to the lawsuit or to the jurisdiction or venue of the cour	
24	in the Notice in Lieu of Summons or in the service of the	
25	5. If I (or the entity on whose behalf I am acti	
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2

#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 7 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 8 of 383

	Cas	C 3.73-CV-00127-	U.S EN.	Fig. RES. 4. The Country ER. CO	-iled 05/09/05 Page 8 of 38
1 2	Mi 20 Rd	BLE HOY & TRACHOK ichael D. Hoy (NV Bar 2723; CA D1 West Liberty Street, Third Flo eno, Nevada 89511 75.786.8000 (voice) 75.786.7426 (fax)		FEB 23 AM 10: 3	
	4   4	Attorney for: Richard T. Adams and	d Gregory Daves		
:	5 6 7		United St Dist	ates District Co rict of Nevada	ourt
Тваснок	8 9 10 11 12 13 14	UNITED STATES OF AME Plaintiff, WALKER RIVER PAIUTE Interven vs. WALKER RIVER IRRIGATE corporation, et. al., Defend	TRIBE, ing Plaintiff, ATION DISTRICT, 2	Intent to Par	-125-B pearance and
BIBLE		Bible Hoy & Richard Taylor Adam Fed.R.Civ.P. 4(d), A personal jurisdiction	Trachok hereby e ns and Gregory E dams hereby wai	urton Adams (collectives) service of a summo	DIX
		27			Exhibit 3
		28		-1-	Exhibit 4

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 9 of 383

		ument 650 Filed 05/09/05 Page 9 01 50
	Certificate	of Service
		conv of the foregoing 1
1	I cortify that I have sent a true and correct	on February 24,
2	1 Centry Mail, 3	Il charges prepaid thereon, on 700
	and Intent to Participate via United States 1924	
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3 4 5	and Intent to Participate via United States Main, a  2005, addressed to:  Susan L. Scheider United States Department of Justice Environmental & Natural Resources Division  P.O. Box 756 Littleton, Colorado 80160  Shirley A. Smith Asst. U.S. Attorney 100 W. Liberty, Suite 600 Reno, Nevada 89501  George Benesch 210 Marsh Avenue, Suite 105 P.O. Box 3498 Reno, Nevada 89505  Jim Weishapt, General Manager Walker River Irrigation District P.O. Box 820 Yerington, Nevada 89447  James T. Markle State Water Resources Control Board P.O. Box 100 Sacramento, California 95814  John Kramer Department of Water Resources 1416 – 9th Street Sacramento, California 95814	Linda Lea Sharer, Chief Deputy Clerk USDC for The District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501  Robert L. Hunter, Superintendant Western Nevada Agency Bureau of Indian Affairs 1677 Hot Springs Road Carson City, Nevada 89706  R. Michael Turnipseed, P.E. Division of Water Resources State of Nevada 123 West Nye Lane Carson City, Nevada 89710  David E. Moser McCutchen Doyle Brown & Enerson Three Embarcadero Center San Francisco, California 94111  John P. Lange, Dept. of Justice Environmental & Natural Resources Division 999 18th Street, Suite 945 Denver, Colorado 80202  Roger Johnson Water Resources Control Board State of California P.O. Box 2000 Sacramento, California 95810  Garry Stone 290 S. Arlington Ave. Reno, Nevada 89501
	Marshall Hill Cassas &	Reno, Nevada 375
	Reno, Nevada 69303	
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## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 10 of 383

1	Richard R. Greenfield Field Solicitors Office Department of the Interior	Linda A. Bowman 499 West Plumb Lane, Suite 4 Reno, Nevada 89509
	2 North Central Avenue, Batte of Phoenix, Arizona 85004  Marta Adams Deputy Attorney General Division of Water Resources 100 North Carson Street Carson City, Nevada 89701-4717  Gordon H. DePaoli Woodburn & Wedge P.O. Box 2311 Reno, Nevada 89501  Mary Hackenbracht Deputy Attorney General State of California 2101 Webster Street	Robert C. Anderson/Timothy Lukas Hale Lane Peek, et al. P.O. Box 3237 Reno, Nevada 89505  Donald B. Gilbert DeCuir & Somach PC 400 Capitol Mall, Suite 1900 Sacramento, California 95814-4407  Larry Reynolds Deputy Attorney General State Engineer's Office 123 W. Nye Lane Carson City, Nevada 89710  John Davis P.O. Box 1646 Tonopah, Nevada 89049
	18 Reno, Nevada 89509  19 20 21 22 23 24 25 26 27 28	Martha Ellis

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 11 of 383

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5 I (or the entity on whose behalf the chiections base	d on a defect in the Notice in Lieu of
or to the jurisdiction of vehice of the Notice in Lieu of Summons.	/ / / /
in the partice of the Notice in Lieu of Summon	
Summons or in the service of the	11/1000000 -

Date: 11-15-04

E. Richard Thomas

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: President of (Title)

Ha Heritace Development Inc.

(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 12 of 383

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Date: 3-1-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 16 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number: 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 14 of 383

1	Attorney:	
2		
3	Address:	
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5		
6	Phone Number:	
7	Fax Number:	
8		Egirshia Hiazzi
9		(Signature) 3-/-05
10		Cunthia J Din 22:
11		(Printed or typed Name)
12		(,
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
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#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 15 of 383

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Date: 3 - 1 - 05	Signature R. Aug 22)	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, 9 a comoration, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 4. to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

# Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 17 of 383

1	Attorney:	
2		
3	Address:	
4	•	
5		
6	Phone Number:	
7	Fax Number:	<b>J</b> ~ 2 <sup>.</sup>
8		(Signature)
9		(Signature)
10		
11		COANY R. A1A221
12		(Printed or typed Name)
13		3-1-05
14		(Finding if any on whom
15		(Entity, if any, on whose behalf you are appearing)
16		
17		(Addrosa)
18		(Address)
19		(Telephone number)
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23 24		

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 18 of 383

A.P.N. 10-581-22 & 21 Escrow No.: LY-302205-DA - LY-302205A-DA

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$474.50, computed on full value of property conveyed.

GRANT, BARGAIN, SALE DEED

or Trustee of the Edward A. Andrews Trust in consideration of \$10.00 Dollars,

the receipt of which is hereby acknowledged coles) hereby Grant, Bargain, Sell and Convey to Kathy S. Blackford, An

a Single Woman

Lyon, State of Nevada, bounded and described as follows: The strick Worth blo all that real property with

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

nto belonging or in anywise appertaining. Together with all singular the tenements, hereditaments and appurtenances t

Dated: 12-16-02

Edward A. Andrews Trust

CALIFOANIA STATE OF NEVADA

COUNTY OF DRANGE )

On Dea, 16 2002 personally appeared before me, a Notary Public, Thomas E.

WHEN RECORDED MAIL TO: Kathy S. Blackford 407 Pleasant Hill Lane Sierra Madre, CA 91024

KATHRYN A. FLANIGAN Commission # 12/7278 Notary Public - California Orange County

·· THIS IS AN UNOFFICIAL COPY \*\*\*

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 19 of 383

#### LY-302205-DA

#### EXHIBIT "A" ATTACHED TO DEED

#### EXHIBIT "A"

All that certain real property situate in the county of Lyon, State of Nevada, described as follows:

All that certain real property being a portion of the North 1/2 of the Southwest 1/4 of Section 27, Township 11 North, Range 24 East, M.D.B.&M., Lyon County, Nevada described as follows:

Parcel 2 as shown on the Parcel Map for Church of Latter-Day Saints, recorded in the Official Records of Lyon County, Nevada on October 21, 1994 as Document No. 176235.

#### Parcel B:

All that certain real property being a portion of the North 1/2 of the Southwest 1/4 of Section 27, Township 11 North, Range 24 East, M.D.B.&M., Lyon County, Nevada described as follows:

Parcel 3 as shown on the Division of Land into Large Parcels Map for Garmsland Limited, L.L.C., recorded in the Official Records of Lyon County, Nevada, on February 22, 1996 as Document No. 190423.

TOGETHER WITH ALL WATER AND WATER RIGHTS APPEARTENANT TO THE HEREIN DESCRIBED PROPERTY.

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 20 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
  - 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
    - 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
    - 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Summons or in the service of the Notice II	Duran Checkie
Date: 12-17-04	Signature  Line Chiches tot  Printed/Typed Name  Printed/Typed Name  A printed/Typed Name
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as:  Of acting as:
	(Title)  Antelope Valley Mutual Water Company  (Corporate, Trust, Partnership or other entity)
	(Corporate, Trust, Turster)

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been the cost of such service unless good cause be shown for its failure to sign and return the waiver. response to a familie to warve service that a party believes that the claims of the opposing parties are unfounded, or that the action has been used in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service ight in an improper place of in a court mat tacks jurisdiction over the subject matter of the action of over its person of property. A party who warves service in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Notice in Lieu of Summons or to the service of the Notice in Noti

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. unumons), and may rater object to the jurisdiction of the court of the me prace where the action has been blought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 21 of 383 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 1 2 UNITED STATES OF AMERICA, 3 IN EQUITY NO. C-125 Plaintiff, 4 WALKER RIVER PAIUTE TRIBE. SUBFILE NO. C-125-B 5 Plaintiff-Intervenor, 6 7 vs. WALKER RIVER IRRIGATION DISTRICT, 8 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE a corporation, et al., 9 I hereby enter my appearance in this sub-proceeding in this case. 10 I am filing this document with the District Court at the following address: 11 1. 12 2. Chief Deputy Clerk United States District Court for the 13 District of Nevada 400 South Virginia Street, Suite 301 14 In the envelope provided for return of my Waiver of Service of Notice in Lieu of Reno, Nevada 89501 15 16 Summons. I am mailing a copy of this document to: 3. 17 Susan L. Schneider Attorney for the United States of America 18 United States Department of Justice Environment & Natural Resources Division 19 P.O. Box 756 I (or the entity on whose behalf I am acting) will retain all defenses or objection Littleton, Colorado 80160 20 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe 21 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represe 2.3 me in these proceedings, I identify that attorney below, along with his or her mailing addre 24 25 26 telephone number, and facsimile number: 28

#### Case \$:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 22 of 383 Attorney: Address: Phone Number: Duran Checke Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) Antelope Valley Mutual Water C P.O. Box 43, Topaz, CA 96133 (Address) 530-495-2114 (Telephone number) 2.8

#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 23 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/10/05

Date: 3/10/05

Signature

MARK N. ARRIGH - DEBORAH F. ARRIGHI

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons retains all defenses and objections).

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been broads

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the canonice of appearance and intent to participate.

Exhibit 10

with

#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 24 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/1/05 DONALD A BALAAM Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: \_ (Title) (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the wa ver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

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## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 25 of 383

1		
2	IN THE UNITED STATES D FOR THE DISTRICT (	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	•
4	Plaintiff,	
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this su	
13	2. I am filing this document with the Distr	rict Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	'	ny Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of Amer United States Department of Justice	ica
20	Environment & Natural Resources Div P.O. Box 756	ision
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	art except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am act	ting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below	w, along with his or her mailing address,
27	telephone number, and facsimile number:	
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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 26 of 383

1	Attomey:	
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3	Address:	
4	-	
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6	Phone Number:	
7	Fax Number:	Donald Blacon
8		(Signature)
9		(Signature)
10		DONALD A. BALAAM
11		(Printed or typed Name)
12		
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14		(Entity, if any, on whose
15		behalf you are appearing)
16		17 (AMISHELL HANE
17		(Address) 17 JANE (Address) 101, NV 89447
18		(775   463 - 204 ( (Telephone number)
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#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 27 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
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Date: 5-11-05

Signature

Marie Balaan

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 28 of 383

2		IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED STA	ATES OF AMERICA,	)
4		Plaintiff,	<u>}</u>
5	WALKER R	VER PAIUTE TRIBE,	IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.		<b>)</b>
9	WALKER R a corporation	IVER IRRIGATION DISTRICT, , et al.,	) )
10		NOTICE OF APPEARANCE AND I	NTENT TO PARTICIPATE
11		I hereby enter my appearance in this s	wh-proceeding in this case.
12	1.	I am filing this document with the Dis	
13	2.		and Court at the terms was a
14		Chief Deputy Clerk United States District Court for the District of Nevada	
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of	my Waiver of Service of Notice in Lieu of
17	Summons, I	am mailing a copy of this document to:	
18		Susan L. Schneider	
19		Attorney for the United States of Am United States Department of Justice	
20	,	Environment & Natural Resources D P.O. Box 756	AISIOII
21		Littleton, Colorado 80160	acting) will retain all defenses or objections
22	4.		
23	41		ourt except for objections based on a defect
24	in the Notice	e in Lieu of Summons or in the service of	
25	5.		acting) have retained an attorney to represent
26			low, along with his or her mailing address,
27	telephone ni	imber, and facsimile number:	
28			
	NOTIC	E OF APPEARANCE AND INTENT TO PA	RTICIPATE, page 1 of 2

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 29 of 383

1	Attorney:	
2		
3	Address:	
4	<u>.</u>	
5		
6	Phone Number:	4
7	Fax Number:	Mirie Rilaam
8		
9		(Signature)
10		MARIE BALAAM
11		(Printed or typed Name)
12		(I initial of types I initial)
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		
17		(Address) NV 89447
18		(775)463-2041
19		(Telephone number)
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e 3.73-cv-00127-RCJ-VVGC D00	LYON COUNT THE PLANT OF PACE
A.P.N. #10-711-22	BECORD RELIVESTED SOLVE
R.P.T.T. \$ 481.00	SIEWART TITLE OF
ESCROW NO. 030202942	03 SEP 15 PM 3: 26
RECORDING REQUESTED BY:	US SELF FEBRUARY IGAN
STEWART TITLE COMPANY	HARY C. MILLIGAN COUNT CECORDER
MAIL TAX STATEMENTS TO:	TIE 41 DEP. KR
1000 Rank Krayun	FEE 41 DEP, 15
heliston	}
WHEN RECORDED MAIL TO:	
MOTO Round KC.	
11000 do do 0118944	(Space Above for Recorder's Use Only)
GRANT, BARGA	
THIS INDENTURE WITNESSETH: That BAMMER, EUSBAND AND WIFE	G. BANNER AND CYNTHIA R.
BAMMER, EUSBARD AND WIFE	
in consideration of \$10.00, the receipt of which is here and Convey to BRIAN S. CHRISTOF AND	by acknowledged, does hereby Grant, Bargam Sell KATHLEEN M. BECKIUS
and Convey to BRIAN 5. CHARLETON	
and to the heirs and assigns of such Grantee forever, al	I that real property situated in the
County of Lvon	PINIC OI MENSON' COMMON MIN GOOD TO A TO
SEE EXHIBIT "A" ATTACHED HE	RETO AND MADE A PART HEREOF
Together with all and singular the tenements, hereditar	nents and appurtenances thereunto belonging or in
anywise appertaining, and any reversions, remainders,	rems, assues of profits and sort.
DATE: August 12, 2003	Har Dagaran
	DAVID G. BAMMER
	1 The IT Ro
	IMULA TOLMOR
	CONTRIA R. BANMER
	April 1
	L. HENDRICK Notary Public - State of Novada
() 1 ch	Appointment Recorded in Douglas County No. 93-2710-8 - EXPRIES APPU, 50, 9006
STATE OF LUCCE }	
COUNTY OF J YMMALA)	
	9-8-03
This instrument was acknowledged before me on by DAVID G. BAMMER and CYNTHIA R	
BAMMER	
Alling	$\mathcal{L}$
Signature Signature	rides of document for Recorder's Use Only)

	Case 3:73-cv-00127-	RCJ-WGC Docu	ment 650 Filed	05/09/05 Pag	ie 31 of	f 383
--	---------------------	--------------	----------------	--------------	----------	-------

STATE OF Newson ) ss. county of Lyon )	
This instrument was acknowledged before me a, by	on <u>Sept 11, 2003</u> .
CRYSTAL PADILLA NOTARY PUBLIC STATE OF NEVADA COMMISSION NO. 90-64618-12 Comm. Expires June 12, 2004	Notary Public 304188

#### EXHIBIT 'A'

The land referred to herein is situated in the State of Nevada, County of Lyon, described as follows:

All that certain real property being a portion of the NE 1/4 of the NW 1/4 of Section 12, T 10 N, R 23 E, M.D.B. & M., Lyon County, Nevada, described as follows:

Parcel 2, as shown on the Parcel Map for F. M. Fulstone, Inc., recorded in the Official Records of Lyon County, Nevada, on December 7, 1995, as Document No. 188071.

ASSESSOR'S PARCEL NO.: 10-711-22

"TOGETHER WITH all water and water rights, ditch or ditch rights and other rights to water, of any nature whatsoever, appurtenant to the property".

Name   Efficient M. Becklus   State	Division #:				WAL	KER RIVER	TION DISTRICT	STRICT		•			
SCRIPTION:  THISTORY:  DATE  THISTORY:  DATE  THISTORY:  DATE  DAT	Card #: Vame:	8760 Brian S. Christof								index No. Lyon Count Claim No.	index No. Lyon County No. Claim No.	10-711-22	Car
C.F.S. ACRES 6.750	Address:	Kathleen M. Becklus 18 Old Ranch Rd. Wellington, NV 89444				0. A. M.	हें हुं O. & M. Locai No. 4				User# Oltch	392 Saroni	se 3:
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9 E. DATE 04/21/87 04/21/87 04/21/87 04/21/87 04/21/87 04/21/87 04/21/87 06/12/87	TOTAL	6.750	-			11.840	11.84	11.84	00.		Non Wir Rt. Acres		18
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DATE DATE C DATE													\ <del> </del> -
DATE DATE CONTENTS ON THE CONT	LEGAL DESCRIPTION	<u> </u>						COMMENTS	S:				W
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04/21/87 04/21/87 04/21/87 04/21/87 04/21/87 06/12/87 06/12/87 12/07/96 10/10/97	DOCUMENT HISTORY												O¢
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12/07/96 10/10/97 09/15/03	#133306	03/02/80	Storage	Water Tra	nsfer form F.N	1. Fulstone, Inc.	to F.I.M. Corp., f	inal adjustmen	t to closing mem	orandum.			ec
10/10/97	#188017	12/07/95	Parcel	Jap of APA	1 10-711-17 for	F.M. Fulstone, 1	inc. (New parcels	10-711-22 & 1	0-711-23, 12 acre	s total).			
09/15/03	#210944	10/10/97	F.M. Fu	Istone, Inc.	, a Nevada Co	rporation to Dav	/Id G. & Cynthia	R. Bammer, Hu	sband & Wife as	Joint Tenant	 S.		05
	#304188	09/15/03	David	1. & Cynthi	a R. Bammer,	husband and wil	fe to Brian S. Cri	stof & Kathlee	η. Beckius				5/(
	200			,									96

#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filest 05/09/05 Page 34 of 383

UFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN 12-071-23 Document Transfer Tax \$253.50

Title Service & Escrow Co.

Mail Tax Bill to Grantee: 134 HIGHWAY 208 YERINGTON, NEVADA 89447

THIS I AN UNCERTICIAL COPY ""

MARY C. HILLIGAN COURTY RECORDER

SPACE ABOVE FOR RECORDER'S USE ONLY

RAN, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

SYLVIA J. BANTA, a widow

does hereby GRANT, BARGAIN and SELL TO

WARREN G. RUNNERSTROM and RHETA M. RUNNERSTROM, husband and wife as Joint Tenants with the Right of Survivership

all that certain real property being a portion of NW 1/4 of NW 1/4 of Section 26, T 13 N, R 25 B, M.D.B.&M., Ly R County, Nevada, described as follows:

Parcel B, as shown on the Parcel Map for Ronald T Banca, recorded in the Official Records of Lyon County, Nevada, on December 7, 1993 as Document No. 166799.

TOGETHER WITH all tenements, hereditaments and appurt pances thereunto belonging or in anywise appertaining, and any re-ersion, remainders, rents, issues or profits thereof.

DATED Surgart D, 2003

302574

STATE OF NEVADA )
) ss.
COUNTY OF LYON )

THIS IS AN UNCERTURE YOF I

Onto cycl 20, 2003 personally appeared before me, N tary Public (or Judge or other authorities Thron, as the case may be), SYLVIA J. BALTA who acknowledged to me that she executed the within instrument.

Notary Public

Notatry Public - State of Neverth Appointment Recorded in Lyon County Not 02-78325-12 - Expires May 14, 2008

Sop,

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 95/09/95 Page 36 of 383

LYON COUNTY, NEV. RECORD REQUESTED BY

WESTERN TITLE CO. INC. 04 JUN -2 PH 4: 11

MARY C. HILLIGAN COUNTY RECORDER

A.P.N.:

12-031-9504

File No:

142-2122912 (NMP)

R.P.T.T.: \$799.50

When Recorded, Mail Tax Statements To: William L. Hawhee and Dianne P. Hawhee 834 W. Bridge Street Yerington, NV 89423

#### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

James D. Bednark, a married man as his sole and separate property

do(es) hereby GRANT, BARGAIN and SELL to

William L. Hawhee and Dianne P. Hawhee, husband and wife as joint tenants with right of survivorship the real property situate in the County of Lyon, State of Nevada, described as follows:

See Exhibit "A"

Subject to

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 03/29/2004

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 37 of 383

Jam	y Delnut				
James D. I					
	Colorato				
STATE OF	MEAYDY	)			
	DONNEY BOUGLAS	: \$6-			
COUNTY OF	DOUGLAS-	)			
This instrum  D. Bednark	ent was acknowledge ; a married man as	d before me on _ his sole and se	parate propert	<del>y</del> .	by James
Son	Notary Public	20			
(My commis	sion expires:	My Commission	Expires 12/16/2	007	
This Notary . 2004 under	Acknowledgement is a Escrow No. 142-212	attached to that o	ertain Grant, Bai	rgain Sale Deed date	xi March 29,

SEAL AFFIXED

#### LEGAL DESCRIPTION

A parcel of land in the Northwest 1/4 of Section 22 and Northeast 1/4 of Section 21, Township 13 North, Range 25 East, Mount Diablo Meridian, bounded and described as follows:

Commencing at the NW corner of said Section 22, marked by a standard Bureau of Land Management pipe and brass cap, from which the North 1/4 corner of said Section 22 bears South 89°25'24" East; thence South 00°43'43" West, 1313.83 feet to the NW corner of the South 1/2 of the NW 1/4 of said Section 22, marked by a 5/8" rebar and cap marked PLS 10596, set per Map File No. 192614, Lyon County Official Records, Yerington, Nevada; thence South 00°44'56" West, 582.68 feet to a point on the Westerly line of said Section 22 marked by a 5/8" rebar with cap marked PLS 6200, per Map File No. 172217, Lyon County Official Records, the point of beginning; thence around the parcel as follows:

South 89°41'09" West, 17.46 feet; thence South 08°29'55" West, 125.44 feet; thence South 00°32'08" East, 121.26 feet; thence South 79°27'02" East, 32.12 feet to a point on the Westerly line of said Section 22; thence along said Westerly line, South 00°44'57" West, 433.92 feet; thence South 89°26'34" East, 354.64 feet; thence North 10°49'50" East, 86.64 feet; thence North 13°55'52" West, 118.08 feet; thence North 41°09'51" West, 265.61 feet; thence North 07°29'00" West 189.66 feet; thence North 05°28'41" East, 102.18 feet; thence South 89°41'09" West, 143.74 feet to the point of beginning.

Legal Description appeared previously in Document No. 320471, recorded on May 13, 2004, Official Records of Lyon County, Nevada.

A.P.N.#010~081~27  R.P.T.T. s 153.40  ESCROW NO. 0:10800246  Full Value	C Document 650 Filed ( RECORDING REQUESTED BY STEWART TITLE CO WHEN RECORDED MAIL MAIL TAX STATEMENTS  GRANTEE 1435 SALLY LA GARDNERVILLE,	Y: DMIPANY TO: TO:
GRANT,	BARGAIN, SALE DEED	
THIS INDENTURE WITNESSETH: That THE WIFE, AS TO AN UNDIVIDED 50% SPIGARELLI, HUSBAND AND WIFE,	ODORE W. BEILKE AND INES E INTEREST AND ALFRED J. SPI	GARELLI AND DOROTHY
in consideration of \$10.00, the receipt of which is h	hereby acknowledged, does hereby Grant, Ba	rgain Sell and Convey to
GERARDO EVANGELISTA AND LA WIFE AS JOINT TENANTS	URIE L. BVANGELISTA, HUSBA	DIA DIA
and to the heirs and assigns of such Grantee forever County of Lyon State of Nevada,	r, all that real property situated in the	
SEE EXHIBIT "A" ATTACHED HERE "THIS DOCUMENT, EXECUTED IN		ORDED AS ONE DOCUMENT"
SEE EXHIBIT "A" ATTACHED HERE	TO AND MADE A PART HEREOF  N COUNTERPART IS BEING RECU  Staments and appurtenances thereunto belong	
SEE EXHIBIT "A" ATTACHED HERE "THIS DOCUMENT, EXECUTED IN Together with all and singular the tenements, hered	TO AND MADE A PART HEREOF  N COUNTERPART IS BEING RECU  Staments and appurtenances thereunto belong	
"THIS DOCUMENT, EXECUTED IN Together with all and singular the tenements, hered appertaining, and any reversions, remainders, remainders, remainders.	TO AND MADE A PART HEREOF  N COUNTERPART IS BEING RECU  Stituments and appurtenances thereunto belong  s, issues or profits thereof.	
"THIS DOCUMENT, EXECUTED IN Together with all and singular the tenements, hered appertaining, and any reversions, remainders, remainders, remainders.	TO AND MADE A PART HEREOF  N COUNTERPART IS BEING RECU  Stituments and appurtenances thereunto belong  s, issues or profits thereof.	ing or in anywise  W. BEILKE
"THIS DOCUMENT, EXECUTED IN Together with all and singular the tenements, hered appertaining, and any reversions, remainders, remainders, remainders.	TO AND MADE A PART HEREOF  N COUNTERPART IS BEING RECU  ditaments and appurtenances thereunto belong  s, issues or profits thereof.  THEODORE	ing or in anywise  W. BEILKE

295085

Notary Public

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 40 of 383

State of California }
County of Orange }

On Application 3, 2003 before me Darmal Houseand Notary Public, personally appeared Application Depression 2 Depression Notary who proved to me ont the basis of satisfactory evidence to be the Person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Notary Public



TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

<del>295</del>085

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 41 of 383

A.P.N. # 010-081-27

R.P.T.T. S 153.40 ESCROW NO. 030800246 Full Value RECORDING REQUESTED BY:
STEWART TITLE COMPANY
WHEN RECORDED MAIL TO:
MAIL TAX STATEMENTS TO:

GRANTEE 1435 SALLY LANE GARDNERVILLE, NV. 89410

### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE AND INES BEILKE, EUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST AND ALFRED J. SPIGARELLI AND DOROTHY SPIGARELLI, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to

GERARDO . EVANGELISTA AND LAURIE L. EVANGELISTA, HUSBAND AND WIFE AS JOINT TENANTS

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as follows:

SHE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

"THIS DOCUMENT, EXECUTED IN COUNTERPART, IS BEING RECORDED AS ONE DOCUMENT"

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainters, rems, issues or profits thereof.

DATE: March 24, 2003

THEODORE W. BEILKE

Jack Beilke

INES BEILKE

ALFRED J. SPIGARELLI

DOBOTHY SPIGARELLI

COUNTY OF Los Angeles ) ss.

This instrument was acknowledged before me on March 31, 2003, by, TNES BEILER

Notary Public

ADELE D. KATZ
COMM. # 1253205
Notary Public - California
LOS ANGELES COUNTY
My Commission Expires Morch 10, 1004 (

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 42 of 383

A.P.N. # 010-081-27

R.P.T.T. \$ 153.40 ESCROW NO. 030800246 Full Value RECORDING REQUESTED BY:
STEWART TITLE COMPANY
WHEN RECORDED MAIL TO:
MAIL TAX STATEMENTS TO:

GRANTEE 1435 SALLY LANE GARDNERVILLE, NV. 89410

# GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE AND INES BEILKE, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST AND ALFRED J. SPIGARELLI AND DOROTHY SPIGARBLLI, HUSBAND AND WIFE, AS TO AN UNDIVIDED 50% INTEREST

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to

GERARDO : EVANGELISTA AND LAURIE L. EVANGELISTA, HUSBAND AND WIFE AS JOINT TENANTS

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as follows:

SHE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS DOCUMENT, EXECUTED IN COUNTERPART, IS BEING RECORDED AS ONE DOCUMENT"

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE:	MAIGH 24, 2003
STATE OF	
	} ss.
COUNTY O	ire )
COOMIT	**/
This instrum	ent was acknowledged before me on ODORE W. BEILKE and INES BEILKE LIFRED J. SPIGARELLI and DOROTHY
by,	THOUGH T SPICEFFILL AND DOROTHY
SPIGA	KRP177
	<del></del>
Signature	
Olkname	Notary Public
	14 Craft 1 Cores

2003

THEODORE W. BEILKE

INES BEILKE

ALFRED J. SPIGARELLI

DOROTHY SPIGARELLI

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 43 of 383

WRID

County of LOS Angeles  County of March 27, 03 before me,  Decreonally appeared THEODORE W	S6.
LOS Angeles	( ==
Coding of	· · · · · · · · · · · · · · · · · · ·
Marh 27,03	Hamid Nessau.
Day before me,	Name and Title of Officer (e.g., "Jene Doe, Hovery Public")
personally appeared THEODORE W	· BEILKE
• • •	personally known to me
	proved to me on the basis of satisfactory
	evidance
	to be the person(s) whose name(s) is/are
	enpactiped to the mithin instimment and
	acknowledged to me that he/she/they executed
	the same in his/her/thair authorized
	canacity(ins), and that by his/her/their
	alonature(s) on the instrument the person(s), or
HAMID NESSAR	the entity upon behalf of which the person(s)
COMM. #1385148 \$	acted, executed the Instrument.
> MAR THORAT NOTABY PUBLIC CAUFORNA ]	WITNESS my hand app official seal.
LOS ANCELES COUNTY 2	5 /23 · L/ 1/28/08 /
The state of the s	100180
• • •	Signature of Notary Public
OPTIO	ONAL ——————
The such the information below is not manufed by they if may brown	s valuable to persona relying on the document and could prevent
heudulant removal and reaturational	nt of this form to another cocument.
Description of Attached Document	
$\mathcal{O}_{\alpha}$ . $\rightarrow$ $\mathbf{N}^{\alpha}$	ED
Document Date:    March 24, 20	12NE
Doormant Date: NIOSYTW 29, 20	Number of Pages:
(3) (NES A	EILKE ALFREDT SPIGAL
Signe (s) Other Than Named Above:	THE SPICALTERS
S LOKE	IN SPIGHTRELL
Capacity(165) Claimed by Signer	
Sleman Nome	
Signer's Name:	(AG) IT THINGPRING (IF SIGNED
[Jordana]	Top of thumb nere
Comprate Officer — Title(s):	
☐ Partner — ☐ Limited ☐ General	
Attomey-in-Fact	
☐ Trustee	
☐ Guardian or Conservator	
Other	
11	
Signer's Name:    Conjugate Officer — Title(s):   Partner —   Limited   General   Attomey-in-Fact   Trustee   Guardian or Conservator   Other:   Signer is Representing:   ###################################	

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 44 of 383

#### EXHIBIT 'A' LEGAL DESCRIPTION

That portion of the SW 1/4 of Section 28, Township 12 North, Range 23 East, M.D.B. & M., in the County of Lyon, State of Nevada, more particularly described as follows:

Commencing at a 3/4" IRON PIPE with washer stamped PLS 4248, said point is the West 1/4 of Section 28, thence South 89°44'04" East, 1326.59 feet; thence South 00°39'09" West, 6.86 feet to the TRUE POINT OF BEGINNING, thence through the following courses;

South 89\*44'04" East, 1326.59 feet;

South 00°43'44" West, 656.96 feet;

North 89\*44'04" West, 1325.71 feet;

North 00°39'09" East, 656.95 feet to the TRUE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 10-081-27

"IN COMPLIANCE WITH MEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED MARCH 9, 2000, AS FILE NO. 245410, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

"TOGETHER WITH 20 acre feet of water and water rights, ditch or ditch rights and other rights to water, of any nature whatsoever, appurtuant to the property".

Charlen @ Stewart-Intent on purchase

agreement for all apportantent

wheter to go w/land

LYON COUNTY, NEV.

RECORD REQUESTED BY

O3 APR 24 PM 1: 44

HARY C. MILLIGAN COUNTY RECORDER

### ase 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 45 of 383 A.P. No. 142-2020123-KM/734-23767 Escrow No. \$153.40 R.P.T.T. WHEN RECORDED MAIL TO: \*\*This document is being recorded in counterpart and shall be considered Grantee 800 N. Carhart Ave one document. Fullerton, CA 92833 MAIL TAX STATEMENT TO: Mr & Mrs Hutchins 800 N. Carhart Ave Fullerton, CA 92833 GRANT, BARGAIN and SALE DEED FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Theodore W. Beilke, an unmarried man and Ines Bellke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest

do(⇔) hereby GRANT, BARGAIN and SELL to

Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

see legal description attached hereto and made a part hereof

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, therefore belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 07/24/2002

Date: 7/26/01

Theodore W. Beilke

Alfred J. Spigarelli

Derothy Spigarelli

Derothy Spigarelli

Ines Beilke

STATE OF NEVADA

: 55.

COUNTY OF

DOUGLAS

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 46 of 383

State of California  County of Orange	} ss.	,
on July 26, 2002 before me, La personally appeared Alfred J. S	Name and The of Officer to g. Jane Doe, No.	Ki notary
personally appeared TITICA J. J	Names a Signerial	try prave
	personally known to me proved to me on the bast evidence	
LAURIE ANN WARSZAWSKI Commission # 1276073 Notary Public - Colffornia Orange Courty My Contrit Expires Oct 4, 2004	capacity(ies), and that be signature(s) on the instrument the entity upon behalf of which acted, executed the instrument	instrument and be/they executed elr authorized y his/her/their the person(s), or the person(s) t.
Płaca Notary Seel Above	WITNESS rny hard and official	al dans
~··	TIONAL	
Though the information below is not recurred by law and could prevent fraudulent removal an	w, it may prove veklable to persons relying nd reattachment of this form to enother doc	
Description of Attached Document		
Title or Type of Document:		
Document Date:	Number of Pages:	
Signer(s) Other Than Named Above:		
Capacity(les) Claimed by Signer  Signer's Name:  Individual  Corporate Officer — Title(s):  Partner — Limited Deneral  Attorney in Fact  Trustee  Guttrdian or Conservator  Other:  Signer ts Representing:		E/AUT THE MEMBERS AT
individuel		O≯ SIGNER
☐ Corporate Officer — Title(s):		top of muma here
☐ Parmer — ☐ Limited ☐ General		
☐ Attorney in Fact		\$ 1
Trustee		
☐ Guttrdian or Conservator		
Other:		-

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 47 of 383

A.P. No. .

10-081-28

Escrow No.

142--2020123-KM/

R.P.T.T.

\$153.40

WHEN RECORDED MAIL TO:

Grantee

800 N. Carhart Ave Fullerton, CA 92833

MAIL TAX STATEMENT TO:

Mr & Mrs Hutchins

800 N. Carhart Ave

Fullerton, CA 92833

\*\* This document is being recorded in counterpart and shall be considered one document.

### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CCINSIDERATION, receipt of which is hereby acknowledged,

Theodore W. Beilke, an unmarried man and Ines Beilke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest

do(es) hereby GRANT, BARGAIN and SELL to

Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

see legal description attached hereto and made a part hereof

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 07/24/2002

Date: 7/25/02

Theodor W Brille

Alfred J. Spigarelli

Dorothy Spigarelli

nes Beilke

STATE OF NEVABA )

SS.

COUNTY OF LOS ()

Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 48 of 383

Tuli 25, 200 by
Theodore W. Beilke Market Dollar Brund Dollar Public

Notary Public

(My commission expires: DEC

HAMIO NISAR
COMM. 61203984
HINDTARY PUBLIC - CALPORNIA EL
LOS ANGELES COUNTY
COMM. EXP. DEO. 24, 2802

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 49 of 383

A.P. No.

10-081-28

Escrow No.

142-2020123-KM/

R.P.T.T.

\$153.40

WHEN RECORDED MAIL TO:

Grantee

800 N. Carhart Ave Fullerton, CA 92833

MAIL TAX STATEMENT TO: Mr & Mrs Hutchins 800 N. Carhart Ave Fullerton, CA 92833

\*\*This document is being recorded in counterpart and shall be considered one document.

### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Theodore W. Beilke, an unmarried man and Ines Bellke, an unmarried woman as to an undivided 50% interest (who acquired title as husband and wife as joint tenants) and Alfred J. Spigarelli and Dorothy Spigarelli, husband and wife as joint tenants as to an undivided 50% interest

do(es) hereby GRANT, BARGAIN and SELL to

Leland Hutchins and Karen Hutchins, husband and wife as joint tenants with right of survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

see legal description attached hereto and made a part hereof

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 07/24/2002

Date: 7-30-02
Signed

Theodore W. Beilke

Alfred J. Spigarelli

Dorothy Spigarelli er Beilke

STATE OF NEVADA

COUNTY DOUGLAS 1 : SS.

)

See attached Acknowledgment

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 50 of 383

ounty of Las Angele	<u> </u>
	Adelph Katz, Notary Public,
	☐ personally known to me  □ proved to me on the basis of satisfactory evidence
ADELE D. KATZ COMM. # 1253205 Notary Public - California LOS ANGELES COUNTY  Ny Commission Expires Morch 10, 2004	to be the person(a) whose name(a) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(lee); and that by his/her/their signature(a) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
	WITNESS my hand and official seal.
	1 0 × 1) W
	adele a karo
Place Notary Seal Above	302000
	OPTIONAL
	y law, it may prove valuable to persons relying on the document all and reattachment of this form to enother document.
Description of Attached Document Title or Type of Document:	bangain + Sale Deed
Document Date: 12402	Number of Pages:
Signer(s) Other Than Named Above:	doce W. Bellke, Affrect J. Spigarelli - Dorothy spigarelli
Signer's Name: INES Bellks  **Control of the state of the	O TRIBE THUMBERINT OF SIGNLES Top of mumb here
Corporate Officer — Title(s):	
□ Partner — □ Limited □ General	
Attorney in Fact	
☐ Trustee ☐ Guardian or Conservator	
Cother:	
Signer Is Representing:	

neodore W. Belike and Afred and Dorothy Spigarelli and Ines	J, Spigarelli s Bellke.		
Notary Public  My commission expires:			•
My commission expires:			
(			
		-	
	•		

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 52 of 383

#### LEGAL DESCRIPTION

That portion of the SW 1/4 of Section 20, Township 12 North, Range 23 East, M.D.B.&M., located in the County of Lyon, State of Nevada, more particularly described as follows:

Commencing at a 3/4" iron pipe with washer stamped PLS 4248, said point being the West 1/4 of Section 28, thence South 89°44'04" East, 1326.59 feet; thence South 00°39'09" West, 663.81 feet to the true point of beginning, thence through the following courses;

1. South 89°44'04" East, 1325.71 feet;

South 00°43'44" West, 995.43 feet to a non-tangent curve concave Northerly having a radius of 293.75 feet and a radial bearing of North 02°21'03" West;

3. Northwesterly along said curve an arc length of 163.20 feet and a central angle of 31°50'03";

- 4. North 60°35'49" West, 857.21 feet to the beginning of a non-tangent curve concave Northeasterly having a radius of 979.32 feet and a radial bearing of North 29°20'45" East;
- Northwesterly along said curve having an arc length of 494.13 feet and a central angle of 28°54'33";

North 33°38'23" West, 104.88 feet;

7. North 00°39'10" East, 117.15 feet to the True Point of Beginning.

Legal Description appeared previously in Document No. 245410, recorded on March 9, 2000, Official Records of Lyon County, Nevada.

285601

GEOIGIAL RECORDS LYSH COUNTY, NEV. RECO常 REQUESTED BY

Title Service & Escrow Co. 02 NOV -8 PM 3: 26

COUNTY RECORDER

R.P.T.T. \$ 2632.50 ESCROW NO. 040800057 RECORDING REQUESTED BY: STEWART TITLE COMPANY MAIL TAX STATEMENTS TO: SAME AS BELOW

7024633524

WHEN RECORDED MAIL TO:
GRANTEE
1008 GEORGIA LANE
GARDNERVILLE, NV 89460

(Space Above for Recorder's Use Only)

### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, busband and wife, as to an undivided 50%

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the County of Lyon State of Nevada, bounded and described as:

#### SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appurtenances thereinto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE: January 23, 2004

THEODORE W. BEILKE
INES BEILKE
ALFRED J. SPIGARELLI
B. A. A. Mi
DOROTHY SPIGAREALI

STATE OF	}	
	} ss.	
COUNTY OF	}}	
This instrument v	vas acknowiedged before are on W. BEILKE and INES BEIL.	<u>v </u>
by Incodore	W. DEIDKE GHU IMES BEID.	V.D.
and ALFRE	D J. SPIGARELLI and DOR	OTHY
SPIGARELL	I.	
Signature		
Notar	y Public (One inch margin on all sides o	of document for Recorder's Use Only

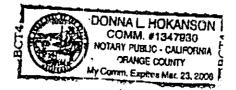
Case 3:73-cv-00127-RC J-WGC Pocuover# 654 E164 05/09/09 8:08:54 of 383

State of California }
County of Orange } s:

On FORMAND 2004 before metamanthorn month Notary Public, personally appeared From Todorn Spicare Spicare who proved to me ont the basis of satisfactory evidence to be the Person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Notary Public



CRANT BARCAIN SALEDEED
TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

1-23-04

DATE OF DOCUMENT

# Case 3:73-cv+001276RCJ-WGC Dodument 650 Filed 05/19/10/19/19 55 of 383

WEID

R.P.T.T. S 2632.50
ESCROW NO.040800057
RECORDING REQUESTED BY:
STEWART TITLE COMPANY
MAIL TAX STATEMENTS TO:
SAME AS BELOW

WHEN RECORDED MAIL TO:
GRANTEE
1008 GEORGIA LANE
GARDNERVILLE, NV 89460

4	Not Compared with County Records
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04 FEB 24 PM 2: 57

HARY C. HILLIGAN COUNTY RECORDER

FEE \_\_\_\_\_ 027. \_\_\_

314497

(Space Above for Recorder's Use Only)

### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, husband and wife, as to an undivided 50% in consideration of \$10.00, the receipt of which is bereby acknowledged, does hereby Grant, Bargain Soll and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the

County of Lyon State of Nevada, bounded and described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appartenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

DATE: January 23, 2004

THIS DOCUMENT, EXECUTED IN COUNTERPART IS BEING RECORDED AS ONE DOCUMENT

Heodore	W. Beilke
THEODORE W.	BEILKE

INES BEILKE

ALFRED J. SPIGARELLI

DOROTHY SPIGARELLI

STATE OF	}
COUNTY OF	} \$5. 
This instrument was acknowled THEODORE W. BEI	edged before me on LKE and INES BEILKE IGARELLI and DOROTHY
	IGARELLI and DOROTHY
SPIGARELLI	
Signature	

Notary Public (One inch margin on all sides of document for Recorder's Use Only)

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 56 of 383

State of California		)	•	
		33.		<b>A.</b> I.
County of		J		Publ
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		B proved to evidence	me on the basis	s of satisfactory
		to be the p	erson(s) whose	name(s) is/am
			to the within it to me that he/si	
		the same	in his/har/th	eir authorized
			and that b	
	•		n the instrument on behalf of which	the person(s), or the person(s)
	(		ed the instrument	
HAMO NESSAR COMM, #1385148	) 3			
HOTAN MODEL CONFORMA		WITNESS my	hand and official	seal.
W. Com. (1079 Nov. ) 1, 2009				
•			Suppliers of Healers Publ	ic .
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Though the information below is not required in Irauatilant remove	by law, if may provi ral and reattachme	e valuable to persons r nt of this form to annilis	whing on the docume or document.	nt and could pravent
Description of Attached Docu	ument	. #		
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Document Date: 1/23/0L	1		Number_of Pag	es: <u>Z</u>
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Signer(s) Other Than Named Above:	<u> </u>	Dototh	1 90100	
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	26 onl			HIGHT THUMBPHINT
Signer's Name:				OF GIGNER Top of thumb here
Signer's Name: <u>5ee</u> C				1
Signer's Name:  // Individual  Comprate Officer — Title(s):				
Signer's Name:				
Individual Corporate Officer — Titla(s): Partner — D Limited D General Attorney-in-Fact		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
Individual Corporate Officer — Title(s): Partner — D Limited D General Altorney-in-Fact Trustee				
Signer's Name:    Name:			· · ·	
Individual Corporate Officer — Titla(s): Partner — Limited General Altorney-in-Fact Trustee Guardian or Conservator Other: Signer is Representing:				

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 57 of 383

R.P.T.T. \$ 2632.50
ESCROW NO. 040800057
RECORDING REQUESTED BY:
STEWART TITLE COMPANY
MAIL TAX STATEMENTS TO:
SAME AS BELOW

7024633524

WHEN RECORDED MAIL TO: GRANTEE 1008 GEORGIA LANE GARDNERVILLE, NV 89460

(Space Above for Recorder's Use Only)

### GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That THEODORE W. BEILKE, A MARRIED MAN and INES BEILKE, An Unmarried Woman, as to an undivided 50% interest; and ALFRED J. SPIGARELLI and DOROTHY SPIGARELLI, husband and wife, as to an undivided 50%

in consideration of \$10.00, the receipt of which is hereby acknowledged, does hereby Grant, Bargain Sell and Convey to SOVEREIGN ENTERPRISES, LLC, A NEVADA LIMITED LIABILITY COMPANY

and to the heirs and assigns of such Grantee forever, all that real property situated in the

County of Lyon

State of Nevada, bounded and described as:

#### SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, tents, issues or profits thereof.

DATE: January 23, 2004

THEODORE W. BEILKE  INES BEILKE
ALFRED J. SPIGARELLI
DOROTHY SPIGARELLI

STATE OF Callfornia ) ss COUNTY OF Las Angels )

This instrument was acknowledged before me on February 6,2004, by, THEODORS W. THEODORS IN THE BEILKE AND ACCOUNTS OF THE BEILE AND BOROTHY

ADELE D. KATZ
COMM. # 1253205
Notory Public - Colifornio
LOS ANGELES COUNTY
My Commission Expires Morch 10, 2004

Signature Colcle &

Notary Public (One inch margin on all side of document for Recorder's Use Only)

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 58 of 383

# EXHIBIT 'A' LEGAL DESCRIPTION

That portion of the N 1/2 of Section 28, Township 12, North, Range 23 East, M.D.B.. & M., in the County of Lyon, State of Nevada, more particularly described as follows:

Beginning at a 5/8" rebar and cap stamped PLS 8659, said point being the Section corner common to 21, 22, 27 and 28, thence through the following courses:

South 00°52'06" West along the Section line, 1319.96 feet;

North 89°34'25" West, 2657-19 feet;

South 00°43'44" West, 1334.26 feet;

North 89°44'04" West, 1326.59 feet;

North 00°39'02" East, 2669.10 feet to the North line of Section 28;

South 89°24'46" East, 3990.57 feet to the TRUE POINT OF BEGINNING.

ASSESSOR'S PARCEL NO. 10-081-26

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED MARCH 9 2000, AS FILE NO. 245410, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

"TOGETHER WITH 313 acre feet of water rights per Walker River Irrigation District Card No. 3170." ATION DISTRICT YERINGTON, NEVADA WALKER RIVER I

14490

Division #:

Card #: Name

Gerardo & Laurie L. Evangelista Wellington, NV 89444 214 Artesia Rd.

Address:

Court Decree:

PRIORITY

TOTAL

NEWL

O. & M. Localino.

Pt 59, 47, 8.267 10-081-27 Lyon County No. Index No. Claim No.

User#

Case

Claim User #

Colony 588 Acre Feet Storage Non Wtr Rt. Acres Water Rt. Acres TOTAL ACRES

-CV-080

122

**NGC** 

Transferred from card #56972 - Walker River Land Corp.

3/25/00 - Transferred from card #55968 - WRLC 11/27/01 - Transferred from card #3171 - Beilke

Transferred from card #42302 - Red Creek Ranch, Inc.

COMMENTS

3:7\$

	CLAIM#			
BRIDGEPORT RES.	ACRE FEET		00.	
TOP AZ RES.	ACRE FEET		41.18	
ACRE FEET	APPORTIONED		41.18	
ACRE FEET REQUIRED	TOTAL	767 77	41.184	
ACRE FEET	PER ACRE	0 A C		
DAYS	STORAGE	a.	3	
	DUTY	60.00	20.14.1	
	ACRES	20.00	20.000	
	Si Si			

Pt. of NE 1/4 of SW 1/4, Sec. 28; T. 12 N., R. 23 E. LEGAL DESCRIPTION:

DOCUMENT HIS		
DOCUMENT #	DATE	DESCRIPTION
#	11/27/01	Card #3171 split into two cards to make separate cards for APN #'s 10-081-27 & 10-081-28
#	11/27/01	Beilke card #3171 split into cards #3172 & 3173
#295085	04/24/03	Theodore W. & Ines Beilke, husband and wife, as to an und. 50% int. and Alfred J. & Dorothy Spigarelli, husband and wife as to an und. 50% int. to
		Gerardo & Laurie L. Evangelista, husband and wife as Joint Tenants

WRID 06/30/04

•												
Name:	26402 Lettind £ 1	26402 Leland & Karen Hutchina			; }						Index No. Lyon County No. Claim No.	Pi 69, 47, 8267 10-081-28
¥ 5	800 N. Carhart Ave. Fullerton, CA 9283	800 N. Carhart Ave. Fullerton, CA 92813			i ; !		O. & M. Local No. 1			_	Ditch	Colony
PRIORITY NEWL TOTAL		ACRES. 18.000	4.2768	BTORAGE	AORE PER PER ACRE 2.0692	THE PART SEQUENCY TOTAL 1692 32.847	ACARTERI APPORTIONED 32.96	TOPAZ NES. ACHE PRET. 32.96	ACREPRET	CLASK	TOTAL ACRES	(U8) 1 2 0 - I
						(A)	!			·	Arn Feet Blange	
LEGAL DESCRIPTION	OM:							COMMENTS	<i>=</i>			
Pt. of NE 114 of SW Pt. of SE 114 of SE 1 T. 12 N., R. 23 E.	of NE 114 of SW 114, of SE 114 of SE 114, Sec. 28; T. 12 N., R. 23 E.	ic. <b>28</b> [:			i i			Transferr Transferr 372400 - 372500 - 1127101 12/16/02	Transferred from card #42302 - Red Creek Ranch, Inc. Transferred from card #56972 - Walker River Land Co. 3/24/00 - Aiso APN 19-081-28 3/25/00 - Transferred from card #56968 - WRLC 11/27/01 - Transferred from card #3171 - Belike & Spri	2302 - Red Cr. 6972 - Walker 1-28 n card #66968 m card #3171 m card #3171	Transferred from card #42302 - Red Creek Ranch, Inc. Transferred from card #56972 - Walker River Land Corp. 3/24/00 - Also APN 10-081-28 3/25/00 - Transferred from card #56968 - WRLC 1/127/01 - Transferred from card #3171 - Belike & Sprigarelii 12/16/02 - Transferred from card #3171 - Belike & Sprigarelii	Xio.
DOCUMENT HISTORY:	JAY:				:					:		
DOCUMENT #		DATE	DESCRIPTION	*								
#61066		01/10/80	Associate	Associated Ranch Managen		Trinox Compa	sent to Trinox Company (all except 38.88 acres).	1.88 acres).				
#173436		07/14/94	Trinox Co	Trinox Company to Pruett R	Pruett Ranche	anches, Inc. a Nevada Corporation.	a Corporation.					
#213637		12/29/97	Record o	Survey In	Support of B	oundary Line A	Record of Survey in Support of Boundary Line Adjustment for Pruett Ranches, Inc., a Nevada Corporation	uett Ranches, L	nc., a Nevada Co	rporation.	1	
#213638		12/29/97	Boundar	y Line Adju Suzvevto	Support Bour	creating parcel	Boundary Line Adjustment Deed (creating parcel 10-081-04-8-05). Decord of Suparatio Suparational Line Adjustment for Desett Banches for a Manade Commentary	# Denether too		r clife	·	
#213762		12/31/97	Reconve	Reconveyance Deed - Maria	- Madan Pini	rection, Tressure	er & Ex-Officio T	ax Receiver and	d Trustee for Ly	on County Ne	n Pinkerton, Treasurer & Ex-Officio Tax Receiver and Trustee for Lyon County Nevada to Pruett Ranches, Inc.	nches, Inc. a Nevada
#214316		01/15/98	Record of Su	Record of Survey for Pruett		hes, Inc., a Neva	Ranches, Inc., a Nevada Corporation,					
#214322		01/16/98	Deed to C	Deed to Correct Legal Descr		Iption on Document #173436.	#173436					
#214323		01/16/98	Pruett Ra	inches, Inc.	. a Nevada Co	rporation to Re	d Creek Ranch,	Inc., a Colorado	Corporation . C	Jantor Reser	Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation - Grantor Reserving all Water Rights	hts.
#214324		01/16/98	Water Ric	ghts & Ease	inent Deed - I	Pruett Ranches,	, Inc., a Nevada (	Corporation to I	Red Creek Ranci	h, Inc., a Color	Water Rights & Essement Deed - Pruett Ranches, Inc., a Nevada Corporation to Red Creek Ranch, Inc., a Colorado Corporation.	
#216883 =	1	03/31/98	A Map of	A Map of Division into Large Land Datent (creates APN 10		els lor Red Cre	Parcels for Red Greek Ranch, Inc., a Colorado Corporation.	Colorado Corp	oration.			
#228078		12/3/198	Red Cree	k Ranch, In	ic. a Colorado	Corporation to	Walker River Li	and Corp., a Ne	vada Corporation	n. Excepting	Red Creek Ranch, Inc. a Colorado Corporation to Walker River Land Corp., a Nevada Corporation. Excepting & Reserving unto Grantor all Indus	Grantor all water
#228079		12/3/198	Water Rk	ghts Deed .	Red Creek Ra	inch, inc., a Col	Water Rights Deed - Red Creek Ranch, Inc., a Colorado corporation to Walker River Land Corp. a Nevada corporation	on to Walker RI	ver Land Corp. 4	Nevada corp	oration	
#246089		02/22/00	Recordo	of Survey in	support of a	Boundary Line	Record of Survey in support of a Boundary Line Adjustment for Walker River Land Corp & Hunewill Land & Livestock Co.	Nather River La	nd Corp & Hune	will Land & Li	vestock Co.	
#245090		02/29/00	Boundar	y Line Adju.	Boundary Line Adjustment Deed							
#245410		03/08/00	Walker R Dorothy	Walker River Land Corp., a I Dorothy Spigarell, husband	orp., a Nevad	la corporation to wife, as Joint Te	Vevada corporation to Theodore W. & Ines Belike, husband and wife as and wife, as Joint Tenants, an und. 60% int., all as tenants in contrion	Lines Belike, ht 10% Int., all as to	isband and wife	as Joint Tena	Walker River Land Corp., a Nevada corporation to Theodore W. & Ines Belike, husband and wife as Joint Tenants, an und. 69% int., and Alfred Dorothy Spigarelli, husband and wife, as Joint Tenants, an und. 69% int., all as tenants in contrnon	int., and Alfred J. I
#246411		03/09/00	Water Ri	Water Rights Deed - WRLC	WRLC to The	odore W. & Inc.	s Beilke, husban	to Theodore W. & Inca Belike, husband and wife as J.	oint Tenants, an	und. 60% Int.	, and Alfred J. & D	o Theodore W. & Inea Beilke, husband and wife as Joint Tenants, an und. 60% int., and Alfred J. & Dorothy Spigarelli,

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 63 of 383

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to rne.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-14-05

PEGGG BITLEN

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: TRUSTEE

(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a fail are to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

<u> </u>	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA, )
4	Plaintiff. )
5	WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C-125
6	) Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	) vs.
8	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	2. I am filing this document with the District Court at the following address:
13	
14	Chief Deputy Clerk United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:
13	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice
20	Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28	

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 65 of 383 Attomey: Address: Phone Number: Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Telephone number)

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 66 of 383

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-14-05 KEN BITTER Printed/Typed Name If you are acting on behalf of any entity, identify that you are (Title)

KEN + PEGGY BITTER THUST (Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in f Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 67 of 383

1.				
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA		
3	UNITED STATES OF AMERICA.	)		
4	Plaintiff.	)		
5	WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C-125			
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B			
7	vs.	) )		
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) }		
10	NOTICE OF APPEARANCE AND I	NTENT TO PARTICIPATE		
11	<ol> <li>I hereby enter my appearance in this s</li> </ol>	sub-proceeding in this case.		
12   13	2. I am filing this document with the Di			
14	Chief Deputy Clerk United States District Court for the District of Nevada			
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501			
16   17	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu			
18	Summons. I am mailing a copy of this document to:			
19	Susan L. Schneider Attorney for the United States of Ame			
20	United States Department of Justice Environment & Natural Resources Di			
21	P.O. Box 756 Littleton, Colorado 80160			
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe			
24	in the Notice in Lieu of Summons or in the service of	the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am ac	cting) have retained an attorney to represent		
26	me in these proceedings, I identify that attorney belo	w, along with his or her mailing address,		
7	telephone number, and facsimile number:	-		

### Case 3:7\$-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 68 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) KEN BITTER (Printed or typed Name) KEN + PEGGS BIREN (Entity, if any, on whose Theus behalf you are appearing) P.O. KOX 250 GERINGTON NU (Address) 775-463-4239 (Telephone number)

#### WHEN RECORDED MAIL TO:

Law Offices of John P. Schlegelmilch, Ltd. 30 Broadway Ave.
Yerington, NV 89447

Grantee (and mail Tax Statement to): THOMAS BOBRICK, Trustee of The THOMAS BOBRICK TRUST 18 Maple Drive Yerington, NV 89447

APN # 012-071-28 RPTT#-8A

#### **OUITCLAIM DEED**

THIS INDENTURE, made this 4th day of April, 2003, by and between THOMAS BOBRICK, a single man, hereinafter called Party of the First Part and, THOMAS BOBRICK, Trustee of the THOMAS BOBRICK TRUST, dated the 4th day of April, 2003, hereinafter called Party of the Second Party.

#### WITNESSETH:

That the said Party of the First Part hereby conveys to Party of the Second Party, its heirs, successors, and assigns, all of the right, title, and interest in and to that certain real property, commonly known as 152 Hwy 208, situate in the County of LYON, State of Nevada, described as follows::

All that certain real property being a portion of the west ½ of Section 26, Township 13 North, Range 25 E MB&M Lyon County, Nevada described as follows, Parcel C as shown on the Parcel Map for Thomas and Ruth E. Bobrick recorded in the official records of Lyon County, Nevada on March 28, 1996 as Document #191775.

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED NO. 270997 RECORDED ON January 15, 2002.

APN 012-071-28

1

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TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the Parties of the Second Part and to their assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand the day and year first above written.

TOM BOBRICK

#### **ACKNOWLEDGMENT**

STATE OF NEVADA ) :ss.
COUNTY OF LYON )

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove written.



Marle M. Jen NOTARY PUBLIC (SEAL) Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 71 of 383

294071

OFFICIAL RECORDS LYBH COUNTY, NEV. RECORD REQUESTED BY

John Schlegelmilch LTD 93 APR-7 PM 4: 33

U3 APK - / PM 4: 33

MARY C. HILLIGAN COUNTY RECORDER

FEE 16 0EP. Dee

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 72 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. 1 (	or the entity on whose behalf I am acting) will retain	ain all defenses or objections to the lawsuit
or to the juris	diction or venue of the Court except for objections	is based on a defect in the Notice in Lieu o
Summons or	in the service of the Notice in Lieu of Sammons	a sustain a dolect in the Notice in Lieu o

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

Steven & Susan Lohnen

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA, )
4	Plaintiff,
5	WALKER RIVER PAIUTE TRIBE,   IN EQUITY NO. C-125
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B
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10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	2. I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk
14	United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:
18 19	Susan L. Schneider Attorney for the United States of America
20	United States Department of Justice Environment & Natural Resources Division
21	P.O. Box 756 Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
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26	me in these proceedings, I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 74 of 383 Attomey: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) Steven a Susan . (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 75 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3//5/05

Signature

Steven & Susuv

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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1							
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3	UNITED STATES OF AMERICA,	)					
4	Plaintiff,	)					
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125					
6	Plaintiff-Intervenor.	) SUBFILE NO. C-125-B					
7	vs.	{					
8		}					
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	}					
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE					
11	I hereby enter my appearance in this su	b-proceeding in this case.					
12	2. I am filing this document with the Dist	rict Court at the following address:					
13	Chief Deputy Clerk	•					
14	United States District Court for the District of Nevada						
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501						
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17	Summons. I am mailing a copy of this document to:						
. 3	Susan L. Schneider						
19	Attorney for the United States of Amer	ica					
20	United States Department of Justice Environment & Natural Resources Div	ision					
21	P.O. Box 756 Littleton, Colorado 80160						
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26	me in these proceedings, I identify that attorney below	v, along with his or her mailing address,					
27	telephone number, and facsimile number:						
28							
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2					

Attorney:  Address:  Address:  Phone Number:  Fax Number:   Steven L Byner  (Printed or typed Name)  Steven L S	77 of 383
Address:  Phone Number:  Fax Number:   Steven &	
Phone Number:  Fax Number:  Signature)  Phone Number:  Signature)  Printed or typed Name)  Steven & Susan Bonner Forning  (Entity, if any, on whose behalf you are appearing)  Steven for the form of	
Phone Number:  Fax Number:  Fax Number:  Signature)  Steven L. Bunger  (Printed or typed Name)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  Steven L. Stan Bunger Formity  (Entity, if any, on whose behalf you are appearing)  (Entity, if any, o	
Phone Number:  Fax Number:  Steven L. Bunger  (Printed or typed Name)  Steven & Wsan Bunger Family  (Entity, if any, on whose behalf you are appearing)  Steven to Wanter for the step of	
Fax Number:    Fax Number:   Tustee	
(Signature) Trustee  (Signature) Trustee  Steven L. Belnere (Printed or typed Name)  Steven & Usan Belner Formity (Entity, if any, on whose behalf you are appearing)  Steven & Usan Belner Formity (Entity, if any, on whose behalf you are appearing)  Steven & Usan Belner Formity (Entity, if any, on whose behalf you are appearing)  Steven & Usan Belner Formity (Address)  The Hose Hamman And Steven And Steve	
(Signature) TRustee  Steven L-Butter  (Printed or typed Name)  Steven & Susan Butter Family  (Entity, if any, on whose behalf you are appearing)  SIFERE HEADING'S TO NO ST.  (Address)  775-463-9888  19  (Telephone number)  (Telephone number)	1 %∕}
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(Printed or typed Name)  3	, 
(Printed or typed Name)  3	iO
Steven & Susan Burner Family	<u>~</u>
Steven & Susan Expnor Family   (Entity, if any, on whose behalf you are appearing)	
(Entity, if any, on whose behalf you are appearing)  16 27 18 19 20 21 22 23 24 25	1. 1815
behalf you are appearing)  SI Fete Hawards &  Upwing ton No 87  (Address)  775 463-9886  (Telephone number)  20  21  22  23  24  25	<del>1 1 40</del> .
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(Address) 775-463-9886  19 (Telephone number)  20 21 22 23 24 25 26	<u> XO.</u>
18 19 (Telephone number)  20 21 22 23 24 25 26	81447
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Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 78 of 383

APN: 14-521-10 RPTT \$0.00 No. 6

Mail Tax Statements to: 81 Pete Hendrichs Road Yerington, NV. 89447

After Recording Mail to: William L. Carpenter 215 W. Bridge St., Suite 3 Yerington, NV. 89447 William Oseperter, Esq. 04 JAN 12 PM 1:04

> MARY C. HILLIGAN COUNTY RECORDER

FEE 150 DEP. MK

#### **OUITCLAIM DEED**

THIS INDENTURE, made this 9th day of Jordon, 2004, between STEVEN L. BOHNER and SUSAN SCRIVNER BOHNER, Husband and Wife, parties of the first part, and STEVEN BOHNER and SUSAN BOHNER, Trustees, under the terms of THE STEVEN BOHNER and SUSAN BOHNER FAMILY TRUST, dated this day written above, the parties of the second part.

#### WITNESSETH:

That the said parties of the first part, in conformity with the terms of the aforesaid Declaration of Trust, do by these presents remise, release and forever quitclaim unto the said parties of the second part, their successors and assigns forever, all their right, title and interest in and to the certain lot, piece or parcel of land situate, the County of Lyon, State of Nevada, more particularly bounded and described as follows, to wit:

Per NRS 111.312, the legal description appeared previously in Deed #287186 and recorded December 12, 2002 in Lyon County Records.

All that certain real property being a portion of the Northwest 1/4 of the Northwest 1/4 of Section 7, Township 13 North, Range 26 East, M.D.B.&M., Lyon County, Nevada, described as follows:

Parcel B as shown on the Parcel Map for Beryl Tamagni, recorded in the Official Records of Lyon County, Nevada, on November 19, 1991, as Document No. 146830.

EXCEPTING THEREFROM the South 25 feet as reserved by Raymond E. Tamagni and Janice E. Tamagni in that certain Gift Deed recorded in the Official Records of Lyon County, Nevada on June 17, 1992, as Document No. 152644.

Page 1 of 2

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 79 of 383

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances, including easements and water rights, if any, thereunto belonging or in anyway appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part and their successors and assigns forever.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand the day and year first above written.

STEVEN L. BOHNER

SUSAN SCRIVNER BOHNER

STATE OF NEVADA

**COUNTY OF LYON** 

ss.

This instrument was acknowledged before me in this 9

day of January

2004.

by Steven L. Bohner and Susan Scrivner Bohner.

•

JANICE SHIPLEY
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 50-3/98-12 - Expires April 22, 2007

Decement 650 Filed 05/09/05 Page 80 of 383 <u>6</u> 10.01 C WRID 06/30/04

TION DISTRICT YERINGTC..., VEVADA WALKER RIVER

# PROVISIONAL.

Steven Bohner & Susan Bohner, Trustees Steven & Susan Bohner Family Trust

Division #:

Card #: Name: 81 Pete Hendrichs Rd. Yerlington, NV 89447

Address:

C-125, P. 44; Tamagni, Antone

Court Decree:

14-521-10 P. of 34 2525 Lyon County No. Index No.

Nicho! Merritt Acre Feet Storage TRL Acres ACRES Claim No. User # Ditch

	TOTAL A	Weter		DA LON
1	CLAIM#	35		
	BRIDGEPORT RES. ACRE FEET		09'	
	ACRE FEET		1.30	
	ACRE PEET APPORTIONED		1.90	
	او	1,900	1.900	
	ACRE FEET REQUIRED PER ACRE TOTA			
	STORAGE			
	DUTY	3.2076		
	ACRES	10.000	10.000	
1	#) 4. U	.120	120	
	PRIORITY	0.01	TOTAL	

6/4/2000 - Transferred from card #34608 - Gerald Menesini 1/16/03 - Transferred from card #2045 - Roger Banta 03/02/04 - Changed to Trust COMMENTS Fr. NW 1/4 of NW 1/4, Section 7; T, 13 N., R. 26 E. Parcel B - PM 146830 LEGAL DESCRIPTION

			)(
DOCUMENT HISTORY:			pc
DOCUMENT #	DATE	DESCRIPTION	;u
#35-302	01/01/49	Edward Tamagni to Edward & Beryl Tamagni, 1949 Roll.	m
#24846/24846	12/15/75	Transfers between Manoukian & Tamagni, 1976-76 Roll.	e
#33612	08/11/77	Deleting Edward from the name of ownership, 1978-77 Roll.	nt
#162438	26/09/93	Decree Settling Estate and Providing for Final Distribution and Discharge - Beryl Tamagni's Estate to Raymond Edward & Janice E. Tamagni.	6
#162440	06/08/82	Executor's Deed - Raymond E. Tamagni, Executor of Estate of Beryl R. Tamagni to Raymond E. & Janiece E. Tamagni.	5
#162536	06/12/92	Grant Deed - Raymond E. & Janice E. Tamagni to Raymond E. & Janice E. Tamagni, Trustees of the Raymond E. Tamagni Family Trust.	)
#152644	06/17/92	Gift Deed from Raymond E. & Janice E. Tamagni to Gerald T. & Renee E. Menesini, Husband & Wife as Joint Tenants (10 acres, 14-521-10).	H
#246284	04/03/00	Trustees Deed Upon Sale - to Roger L. Banta, Trustee under Declaration of Trust dated 12/12/93	le
#287186	12/12/02	Roger L. Bantz, Trustee to Steven L. Bohner & Susan Scrivner Bohner, husband and wife as Joint Tenants	d.
#311732	01/12/04	Steven L. Bohner & Susan Scrivner Bohner, husband and wife to Steven Bohner & Susan Bohner, Trustees of the Steven Bohner & Susan Bohner	Q:
		Family Trust	וכ

103883

PAUL 44

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed To Will Page 81 of 383 RECORD REQUESTED BY

APN 10-331-09 Document Transfer Tax \$192.00 Order No. TSL-25516 Mail Tax Bill to Grantee: Dellington NV BRYYY

Title Service & Escrow Co. 03 SEP 11 AM 11: 03 - MARY C. HILLIGAN COUNTY RECORDER

SPACE ABOVE FOR RECORDER'S USE ONLY

## GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

KIRK A. BOOTH, an unmarried man and CAROLYN J. CROUSE, an unmarried who acquired title as CAROLYN C. BOOTH

do herepy GRANT, BARGAIN and SELL TO

PAUL J. FRY, III and JILL CHRISTINE FRY, husband and wife as Joint Tenants with the Right of Survivorship

the real property situate in the County of LYON, State of Nevada, described as follows:

All that certain real property being a portion of the Northwest 1/4 of the Southeast 1/4 of Section 27, T 11 N, R 23 E, M.D.B.&M., Lyon County, Nevada, being described as follows:

From the established and recognized monument (iron pin in mound of rocks) in the center of said Section 27, and which bears South 0°31' East, 2638.44 feet from the North one-quarter corner of said section; thence South 0°31' East along the one-quarter section line 330.00 feet to the true point of beginning at the Northwest corner of the parcel; thence North 89°56' East, 460.00 feet to a point at the Northeast corner of the parcel and in the so-called Colony Ditch: thence following along in said ditch so-called Colony East, 278.71 feet to a point at the Southeast corner South 25°07' East, 278.71 feet to a point at the Southeast corner of the parcel; thence leaving said ditch South 89°56' West, 576.00 feet to a point at the Southwest corner of the parcel; thence North 0°31' West along the one-quarter section line 252.50 feet to the point of beginning.

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 82 of 383

Legal Description appeared previously in Document No. 217726, recorded on April 21, 1998, Official Records of Lyon County,

TOGETHER WITH all water and water rights, ditches and ditch Nevada. rights, wells and well rights

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof.

STATE OF NEVADA

COUNTY OF LYON

on August 27, 2003 personally appeared before me, a Notary Public for Judge or other authorized person, as the case may be), CAROLYN O. CROUSE, who acknowledged to me that she executed the within instrument.

Notary Public

STEPHANIE L. JACKSON Notary Public - State of Nevada Appointment Recorded in Lyon County No: 97-3155-12 - Expires August 25, 205

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 83 of 383

KIRK A. BOOTH

STATE OF NEVADA

COUNTY OF LYON

On Serv 4,2003 personally appeared before me, a Notary public (or Judge or other authorized person, as the case may be), KIRK A. BOOTH, who acknowledged to me that he executed the within instrument.



TION DISTRICT	NEVADA
WALKER RIVER IRE	YERINGTON, NEVADA

İ	Claim No. 745	Colony	3-1	# TOTAL ACRES	Water Rt. Acres 3.000	Non Wir Rt. Acres	Acre Feet Storage 6.189	<b>₩</b>	5 - K & C Boot				<b>un</b>	<b>ne</b>	ent	and Carolyn J. Crouse, an unmarried woman, who acquired title as Carolyn C. Booth to Paul J. Fry III & JIII	50	Filed	0	5/0	9/0	05	Pa	ege	· 84	WRID 06/30/04 o	383	3
V				D ACRE FEET ACRE FEET CLAIM		8 9 P.19		COMMENTS:	Transferred from card #16330 - Finch						wife as Joint Tenants	ı unmarried woman, who acquired title												
YERINGTON, NEVADA		O. & M. Local No. 1	- Andrew Parkers Parke	ACRE FEET REQUIRED ACRE FEET PER ACRE TOTAL APPORTIONED	6.180	6.180							Max A. & Vergie A. Kennon to Jack & Leila Kern.	Executor Deed - Leila M. Kern (1/2 int.) to Jack Kern.	ry L. Finch. A & Carolyn C. Booth, husband and wife as Joint Tenants	parried man and Carolyn J. Crouse, an	d and wife as Joint Tenants											
	hristine Fry	7		DUTY STORAGE	4.2768 65	0				100		DESCRIPTION			Executor Deed to Harry L. Finch.													
	17925 Paul J. Fry, III & JIII Christine Fry	P. O. Box 44 Wellington, NV 89447		G.F.S. ACRES	<del></del>	3.000			TION:	NW 1/4 of SE 1/4, Sec. 27; T 11 N, R 23 E.	ORY:	DATE	09/19/83	10/09/90	12/11/90	04/21/98												
Division #:	Card #: Name:	Address:	Court Decree:	VTIOCION	Man	TOTAL			LEGAL DESCRIPTION:	NW 1/4 of S T 11 N, R	DOCUMENT HISTORY:	DOCUMENT #	#80415	#136869	#141630	#217726	-					£	Exh	ibit	t 25			

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 85 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

- 41 11	K with R B wind	
Date: 4-05	Signature	
	Kenneth R. Burnett.	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 86 of 383

	FOR THE DISTRICT OF NEVADA									
	UNITED STATES OF AMERICA.	)								
	Plaintiff.	)								
	WALKER RIVER PAILTE TRIBE.	IN EQUITY NO. C-125								
<del>(</del>	Plaintiff-Intervenor,	SUBFILE NO. C-125-B								
5	vs.	)								
9	WALKER RIVER IRRIGATION DISTRICT,	) )								
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE								
11	1. I hereby enter my appearance in this sub	p-proceeding in this case.								
12 13	2. I am filing this document with the Distr	ict Court at the following address:								
14	Chief Deputy Clerk United States District Court for the									
15	District of Nevada 400 South Virginia Street, Su te 301 Reno. Nevada 89501									
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu c								
17	Summons. I am mailing a copy of this document to:									
13	Susan L. Schneider									
19	Attorney for the United States of America United States Department of Justice									
20 21	Environment & Natural Resources Divis P.O. Box 756 Littleton, Colorado 80160	ion								
22	4. I (or the entity on whose behalf I am action	ng) will retain all defenses or objection:								
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defec								
24	in the Notice in Lieu of Summons or in the service of th	e Notice in Lieu of Summons.								
25	5. If I (or the entity on whose behal? I am actin	g) have retained an attorney to represent								
26	me in these proceedings. I identify that attorney below,	along with his or her mailing address.								
27	telephone number, and facsimile number:									
28										
	NOTICE OF APPEARANCE AND INTERES SO PARTIC	Take name 1 of 2								

## Case 3:73-cy-00127-RGJ-WGC Document 650 Filed 05/09/05 Page 87 of 383 Address: Phone Number: Fax Number: Kant R.B. (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 16 Crosby has (Address) 775-465-2141 (Telephone number)

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 88 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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	Lan ZBuc	
Date: <u>4-4-05</u>	Signature L Burnett	
•	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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# Case 3:73 cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 89 of 383

	- 1										
•	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA										
:	UNITED STATES OF AMERICA.										
<u>-</u>	Plaintiff.										
5	WALKER RIVER PAILTE TRIBE. ) IN EQUITY NO. C-125										
7	Plaintiff-Intervenor, SUBFILE NO. C-125-B										
8	vs.										
9	WALKER RIVER IRRIGATION DISTRICI, a corporation. et al.,										
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE										
11	1. I hereby enter my appearance in this sub-proceeding in this case.										
12	2. I am filing this document with the District Court at the following address:										
13	Chief Deputy Clerk United States District Court for the										
15	District of Nevada 400 South Virginia Street, Suite 301 Reno. Nevada 89501										
16 17	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu										
13	Summons, I am mailing a copy of this document to:										
19	Susan L. Schneider Attorney for the United States of America										
20	United States Department of Justice Environment & Natural Resources Division P.O. Box 756										
21	Littleton, Colorado 80160										
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection										
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe										
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.										
25	5. Fill (or the entity on whose behalf I am acting) have retained an attorney to represe:										
26	me in these proceedings. I identify that attorney below, along with his or her mailing addres										
27	telephone number, and facsimile number:										
2 8 ▮											
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_	CV-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 90 o	f 383
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2	A	
3	Address:	
4	-	
5	•	
6	Phone Number:	
7	Fax Number:	
8	Franchis	<del>-</del>
9	(Signature)	
10		
11	Sharon L. Burr	701
12	(Printed or typed Name)	
13		
14	· —	
15	(Entity, if any, on whose behalf you are appearing)	
16	16 Crosby Lan	<u>e</u>
17	Smith, NV8	94
18	(Address) 775-465-2141	,
19	(Telephone number)	<del></del>
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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 91 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3- 22-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

Trustee of

(Title)

Joseph P. & Norma J. Cabral 2002 Revocable Living Trust

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 92 of 383

2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAILTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Su te 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu c Summons, I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 22 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings. I identify that attorney below, along with his or her mailing address. telephone number, and facsimile number: 27 2.8 NOTICE OF APPEARANCE AND INTENT 10 PARTICIPATE, page 1 of 2

	16	
Case 3:73	-CV-00127-RCJ-WGC Attorney:	Document 650 Filed 05/09/05 Page 93 of 383
2		
3	Address:	
4		
5		•
- 6	Phone Number:	
7	Fax Number:	
8		Harma & Cabral
9		(Signature)
10		
11		NORMA J CADRAL
12		(Printed or typed Name)
13		Trustee,
14		Joseph P. & Norma J. Cabral 2002 Revocable Living Trust
15		(Entity, if any, on whose
16	•	behalf you are appearing)
17		24.40
18		(Address) Welling 1/11 Box 82 Now Cauli
19		(Telephone number)
20		(Telephone number) 775-465-2082
21		
22		
23		
24		
25	;	
26	,	<i>:</i>
27		

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 94 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date:  $\frac{2 - 22 - 05}{}$ 

JOSEPH P CARRAL SR .

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Title)

acting as: \_\_\_\_\_\_\_of

Loseph P. & Norma J. Cabral 2002 Revocable Living Trus (Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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	<del>-</del>	
	IN THE UNITED STATES D FOR THE DISTRICT O	
	UNITED STATES OF AMERICA.	)
	Plaintiff.	) )
=	WALKER RIVER PAILTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) )
9	WALKER RIVER IRRIGATION DISTRICT,	) ) )
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this sub-	
13	2. I am filing this document with the Distric	ct Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301	
16	Reno, Nevada 89501	
17	<ol> <li>In the envelope provided for return of my</li> </ol>	Waiver of Service of Notice in Lieu c
13	Summons, I am mailing a copy of this document to:	
<b>:</b> 9	Susan L. Schneider Attorney for the United States of America	a
20	United States Department of Justice Environment & Natural Resources Divisi	on
21	P.O. Box 756 Littleton, Colorado 80166	
22	4. I (or the entity on whose behalf I am actin	g) will retain all defenses or objection:
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defec-
24	in the Notice in Lieu of Summons or in the service of the	•
25	5. If I (or the entity on whose behalf I am acting	
26	me in these proceedings. I identify that attorney below,	•
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25		

#### -cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 96 of 383 Case 3:73 Attorney: 2 Address: 3 4 5 Phone Number: 6 Fax Number: 7 Joseph & Call h 8 (Signature) 9 10 JOSEPH P CABRAL SR 11 (Printed or typed Name) 12 13 Trustee, Joseph P. & Norma J. Cabral 2002 Revocable Living Trust 14 (Entity, if any, on whose 15 behalf you are appearing) 16 PO Box 82 WELLINGTON NV 8944 17 (Address) 18 775-465 2082 19 (Telephone number) 20 21 22 23 24 25 26 27 28

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsu	iit
or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu	of
Summons or in the service of the Notice in Lieu of Superiors	-1

Date: MARCH 18, 2005

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: TRUSTEE of

The Bill E. CARLEW And Shapen M. CARLEW Family Trust.

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the wa ver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 21 Littleton, Colorado 80160 22 4 I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 27 telephone number, and facsimile number: 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 99 of 383

:	Attorney:
2	
3	Address:
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7	
8	Ditt E Culm
9	(Signature)
10	
11	Bill E. CARLSON-TrusTe
12	(Printed or typed Name)
13	The Bill E. CARLSON And Shano. M. CARLSON FAMILY TRUST.
14	M. CARLSON FAMILY TRUST.
15	(Entity, if any, on whose
	behalf you are appearing)
16	195 Hudson Autora Rd
17	195 Hudson Autom Pd Smith NV 89430
18	(Address)
19	775-465-2148
20	(Telephone number)
21	
22	
23	
24	
25	
26	
27	
20	

28

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

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Date: MARCH 16-2005

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in au of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 8 WALKER RIVER IRRIGATION DISTRICT a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 2 I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160 21 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf) am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 102 of 383

1	Attorney:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	0//
8		Biy Y. Gulen
9		(Signature)
10		
11		Bill E. CARLSON
12		(Printed or typed Name)
13		
14		(F
15		(Entity, if any, on whose behalf you are appearing)
16		195 Hudson Aurora Rd.
17		Smith, NU 89430
18		(Address) <u>725-465-2148</u>
19		(Telephone number)
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#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

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#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 4. to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 105 of 383

1	Attorney:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	$\sim$
8		Sparn M. Calsan
9		(Signature)
10		
11		Sharon M. CARLSON
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing) 195 Hudson Autora Rd.
17		Smith NU 89420
18		(Address)
19		775-465-2148 (Telephone number)
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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 106 of 383

1	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff,
5	WALKER RIVER PAIUTE TRIBE.   IN EQUITY NO. C-125
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B
7	vs.
8 9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk
14	United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:
1.8	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division
20	P.O. Box 756 Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
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24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
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27	telephone number, and facsimile number:
28	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Exhibit 32

Case 3:7	3-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 107 of 383
1	Attorney:
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3	Address:
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б	Phone Number:
7	Fax Number:
8	//
9	(Šignature)
10	VElizabeth K Carrisa
11	(Printed or typed Name)
12	
13	
14	(Entity, if any, on whose
15	behalf you are appearing)
16	# 8 oin Earch Rd / Wally for NV. 89444
17	(Address)
18	v <u>775-465-9793</u>
19	(Telephone number)
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	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 108 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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	Kay Wilaua	
Date: 3 -/8 - 05	Signatures (1) (arrosco)	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 109 of 383

1	•	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		
7	Plaintiff-Intervenor.	) SUBFILE NO. C-125-B )
8	vs.	)
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub	-proceeding in this case.
12	2. I am filing this document with he Distri	ct Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	<ol> <li>In the envelope provided for return of m</li> </ol>	y Waiver of Service of Notice in Lieu of
17		
18	Susan L. Schneider	
19	Attorney for the United States of Americ	са
20	United States Department of Justice Environment & Natural Resources Divis P.O. Box 756	sion
21	Littleton, Colorado 80160	
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27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO FARTI	CIPATE, page 1 of 2

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 110 of 383 Attomey: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 111 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu	of
Summons or in the service of the Notice in Lieu of Summons	

Date: 3-23-05

Lawrence B. Masini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_\_\_\_ of

(Corporate, Trust, Partnership or other entity)

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

-			
2		IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED ST	ATES OF AMERICA.	)
4		Plaintiff.	) )
5	WALKER R	IVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		) )
8		IVER IRRIGATION DISTRIC'T,	
9	a corporation		Ś
10		NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
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12	2.	I am filing this document with the Distri	ict Court at the following address:
13		Chief Deputy Clerk	
14		United States District Court for the District of Nevada	
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501	
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13		Susan L. Schneider	
19		Attorney for the United States of Americ United States Department of Justice	
20		Environment & Natural Resources Divis P.O. Box 756	sion
21		Littleton, Colorado 80160	
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24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28			
ļ			1 - 4 2

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 113 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) B. Masini (Printed or typed Name) Pres. Casino West (Entity, if any, on whose behalf you are appearing) (Telephone number)

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 114 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*. which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the D strict of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the wa ver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-15-05	Signature HELEN Chase	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	
3	UNITED STATES OF AMERICA.	•
4	Plaintiff, . )	
5	WALKER RIVER PAIUTE TRIBE, )	IN EQUITY NO. C-125
6	) Plaintiff-Intervenor, )	SUBFILE NO. C-125-B
7	vs.	
8 9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-	proceeding in this case
12	2. I am filing this document with the District	
13	<u>-</u>	of Court at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suit : 301 Reno, Nevada 89501	
16	3. In the envelope provided for resum of my	Waiver of Service of Notice in Lieu of
17	Summens, I am mailing a copy of this document to:	
1.8	Susan L. Schneider Attorney for the United States of Americ	•
19	United States Department of Justice Environment & Natural Resources Divisi	
20	P.O. Box 756 Littleton, Colorado 80160	
21	4. I (or the entity on whose behalf I am acting	ng) will retain all defenses or objections
23	` •	
	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
24		
25	5. If I (or the entity on whose behalf I am actin	-
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 116 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

Control Correct   Control Co
Si Highway 201 South   Care
Column No. 26447   Column No. 2 M. Local No. 3   Dilch Greenwood   Column No. 2 M. Local No. 3   Dilch Greenwood   Column No. 26447   Column No. 2 M. Local No. 3   Dilch Greenwood   Column No. 2   Co
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Ann Vent Bourge  OSATE
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DATE DISCOBRIGATION  GROUPS BELLAN A Wilson to Russell E. & Helen B. Chase.  GROUPS Brasell E. & Helen B. Chase to Snyder Livestock Co., Inc., (160 Ac., Retaining 10 Ac.).
DATE DESCRIPTION  OBSTITES
DATE DESCRIPTION  OB07/89 Eugene Thomas & Donna Jeanne Balaam Thomas to Berbera H. Wilson.  OB/1977 & Barbara H. Wilson to Russell E. & Helen B. Chase.  OB002/86 Russell E. & Helen B. Chase to Snyder Livestock Co., Inc., (160 Ac., Retaining 10 Ac.).
660296 Eugene Thomas & Doma Jeanne Balaam Thomas to Barbara H. Willson.  1061974 Barbara H. Wilson to Russell E. & Helen B. Chase to Snyder Livestock Co., Inc., (150 Ac., Retaining 10 Ac.).
DATE DESCRATION DESCRATION DESCRATOR
66/0286 Eugene Thomas & Donna Jeanne Balaam Thomas to Barbara H. Wilson.  66/0286 Russell E. & Helen B. Chase to Snyder Livestock Co., Inc., (180 Ac., Retaining 10 Ac.).
06/12/85 Russell E. & Helen B. Chase to Snyder Livestock Co., Inc., (160 Ac., Retaining 10 Ac.).
66/02/86 Russell E. & Helen B. Chase to Snyder Livestock Co., Inc., (160 Ac., Retaining 10 Ac.).
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### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 118 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan ... Schneider, attorney for the United States, and I may use the same envelope provided for return of the wa ver of service.

5. I (or the entity on whose behalf I am acting) will reta	ain all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objection	s based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	

Date: 3-12-05

'and 'a

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 119 of 383

-		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	) )
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	) )
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1 Therefore and the ship gub	proceeding in this case
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with the Distri	ict Comt at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	<ol> <li>In the envelope provided for return of m</li> </ol>	y Waiver of Service of Notice in Lieu
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756	sion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent	
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2

Case 3:73	-cy-00127-RCJ-WGC Docume Attorney:	nt 650 Filed 05/09/05 Page 120 of 383
2		
3	Address:	
4		
5	•	
6	Phone Number:	
7	Fax Number:	
8		21-10tike
9		(Signature)
10		
11		DAVIS G-CHICOTE
12		(Printed or typed Name)
13		
		•
14		(Entity, if any, on whose
15		behalf you are appearing)
16		2831 Huy 208 WELL 146-TON, HU, 8944
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18		275465. 9065
19		(Telephone number)
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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 121 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of A nerica

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER FAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objection; based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/16/03

If you are acting on behalf of any entity, identify that you are

acting as: President
(Title)
Chiszim Inc.

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the vaiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 122 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3/17/05

Khain

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 123 of 383

1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE, )	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8 9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11		and the state of the same
12	1. I hereby enter my appearance in this sub-	
13	2. I am filing this document with the Distri	ct Court at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16 17	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of
- 1	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	_
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756	ion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of th	e Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actir	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below,	, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

Case 3:7	3-cv-00127-RCJ-WGC Docu	ment 650 Filed 05/09/05 Page 124 of
2		
3	Address:	
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5	•	
. 6	Phone Number:	
7	Fax Number:	
8		Claime C. Clas
9		(Signature)
10		
11		ELAINE C. CID
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)
17		1403 Hwy 208
18		(Address)
19		3-3987 (Telephone number)
20		(1000pnono n=1000)
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25	<b>;</b>	
26	•	
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-		

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, v/hich is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3/10/05

Signature

HARK N. ARNIGHI

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE of

(Title)

WILLIAM G. CREMETT! TRUST

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09 Page 126 of 383 LYON COUNTY, NEV. RECORD REQUESTED BY

Title Service & Escrow Co.

03 OCT 24 PM 3:57

MARY C. HILLIGAN

COUNTY RECORDER

A.P. No.

012-361-18

Escrow No.

142-2095988-NMP/TSL-25733

R.P.T.T.

\$130.00 390.00

WHEN RECORDED MAI'L TO:

Michael F. Neeper and Sandra M. Neeper 199 8th Street

Norco, CA 92860

MAIL TAX STATEMENT TO:

Neeper 199 8th Street Norco, CA 92860

GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Donald G. Cutler and Dee Ann Cutler, husband and wife as joint tenants

do(es) hereby GRANT, BARGAIN and SELL to

Michael F. Neeper and Sandra M. Neeper, husband and wife as joint tenants with right of survivorship

the real property situate in the County of Lyon, State of Nevada, described as follows:

#### See Exhibit "A"

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 09/17/2003

306988

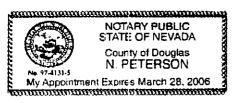
Exhibit 41

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 127 of 383

Donald G. Cutler

Dee Ann Cutler

STATE OF <b>NEVADA</b>	)
	; ss.
COUNTY OF	)
DOUGLAS	
This instrument was a	knowledged before me on
October 3	3, <u>2003</u> by
Denald G. Cutler and	d Dee Ann Cutler.
	_4
TILLY	
No	tary Public
(My commission expire	5. 1/ Joly (f)



#### LEGAL DESCRIPTION

All that certain real property being a portion of the N 1/2 of SW 1/4 and SE 1/4 of SW 1/4 of Section 22 and a portion of NE 1/4 of NW 1/4 of Section 27, T 12 N, R 25 E, M.D.B.&M., also being a portion of Parcel A of Map No. 168510 Lyon County, Nevada, described as follows:

Parcel 3, as shown on the Parcel Map for Fonald G. Cutler and Dee Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995 as Document No. 180740.

3e^470

#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05 (130 of 383) Page 130 of 383

RECORD REQUESTED BY

WESTERN TITLE CO. INC.

03 OCT 17 AM 10: 34

MARY C. HILLIGAN COUNTY RECORDER

APN: 12-361-20 RPTT \$351,00

WHEN RECORDED MAIL TO:

Name

STEVEN TOMAC

Street Address 39 panavista CIRCLE 16700 NY 89447

City, State

Zip

MAIL TAX STATEMENTS TO:

Name Street STEVEN TOMAC SAMe

Address City, State

Zip Order

7131 LJI -112- LJI

No.

(SPACE ABOV & THIS LINE FOR RECORDERS USE)

### JOINT TENANCY DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, DONALD G CUTLER and DEE ANNE CUTLER, husband and wife as joint tenants do(es) hereby GRANT, BARGAIN and SELL to STEVEN TOMAC and LAURA TOMAC, husband and wife as joint tenants with right of survivorship, and not as tenants in common, the real property situate in the. County of Lyon, State of Nevada bounded and described as follows:

See Exhibit A attached hereto and made a part hereof.

Together with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any revisions, remainders, rents, issues or profits thereof.

Dated: August 19, 2003

STATE OF NEVADA

}ss

This instrument was acknowledged before me on

SHERRY TIMM Notary Public - State of Nevada Appointment Recorded in Lyon County

No: 01-71616-12 - Expires October 25, 2005

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 131 of 383

#### Exhibit A

All that real property situate in the County of Lyon, State of Nevada, described as follows:

All that certain real property being a portion of the N ½ of SW ¼ And SE ¼ of SW ¼ of Section 22 and a portion of NE ¼ of NW ¼ of Section 27, T 12 N, R 25 E, M. D. B.& M., Lyon County, Nevada, Being a portion of:

Parcel A, as shown on the Parcel Map for Joseph William Tibbals, recorded in the Official Records Of Lyon County, Nevada, on January 21, 1994, as Document No. 168103, and by Certificate of Amendment, recorded February 7, 1994, as Document No. 168510.

More particularly described as follows:

Parcel 1, as shown on the Parcel Map for Donald G. Cutler and Dea Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995, as Document No. 180740.

Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 132 of 383

LYON COUNTY, NEV. RECORD REQUESTED BY

A.P.N.:

012-361-19

File No:

142-2:115692 (NMP) /TSL-26347

R.P.T.T.:

\$2,281,50

Title Service & Escrow Co. 04 FEB 18 PM 3: 08

MARY C. HILLIGAN COUNTY RECORDER

FFE 16 DEP. ICK

When Recorded, Mail Tax Statements To: Gregg E. Lubbe and Shelly Lubbe 9 Nordyke Road Yerington, NV

#### GRANT, BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Wachovia Bank NA fka First Union National Bank

do(es) hereby GRANT, BARGAIN and SELL to

Gregg E. Lubbe and Shelly, Lubbe, husband and wife as joint tenants  $\rm M_{\, \bullet}$ 

the real property situate in the County of Lyon, State of Nevada, described as follows:

#### See Exhibit "A"

TOGETHER with all tenements, hereditaments and appurtenances, including easements and water rights, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Date: 01/27/2004

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 133 of 383

Wachovia Bank NA fka First Union National Bank	
(Allain	Ser Land
By: Byron M₊ Linnen, Assistant Vice President	•
STATE OF North Carolina; ss.	
This Instrument was acknowledged before me on Tebro Wachovia Bank NA fka First Union National Bank.	11074 13, 2004 by
Hurndolyn H. Carothers) Notary Public	
(My commission expires:CLEVELAND, NC	

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 134 of 383

#### LEGAL DESCRIPTION

All that certain real property being a portion of the N 1/2 of SW 1/4 and SE 1/4 of SW 1/4 of Section 22 and a portion of NE 1/4 of NW 1/4 of Section 27, T 12 N, R 25 e, M.D.B.&M., also being a portion of Parcel A of Map No. 168510, Lyon County, Nevada, described as follows:

Parcel 2, as shown on the Parcel Map for Donald G. Cutler and Dee Anne Cutler, recorded in the Official Records of Lyon County, Nevada, on March 31, 1995 as Document No. 180740.

ATION DISTRICT	NEVADA
WALKER RIVER	YERING:,

Division #:

13 00 13.73 Case 3:7 -WGC Document 650 Filed 05/09/05 135 of 383 е WRID 06/30/04 FM 372A-3 12-361-18 DAGW 1411 182 Donald G. & Dee Ann Cutler, husband and wife as Joint Tenants to Michael F. & Sandra M. Neeper, husband and wife as Joint Tenants Lyon County No. Non Wtr Rt. Acres Acre Feet Storage Water Rt. Acres TOTAL ACRES ndex No. Claim No. 01/20/04 - Transferred from card #11604 - Cutler User# Offich # ME C 8 162 162 162 162 162 162 162 162 182 162 162 00 BRIDGEPORT RES Supplement to Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances ACRE FEET Joseph William Tibbals aka Joseph W. Tibbals to Donald G. & Dee Anne Cutter, H&W as J.T. QC Deed - Carol Tibbals to Joseph William Tibbals, as his sole & separate property. 13.76 COMMENTS: Order Approving Sale of Real Property Free & Clear of Liens & Encumbrances TOPAZ RES. ACRE FEET APPORTIONED ACRE FEET Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.) A Parcel Map for Joseph William Tibbals (Parcel A). 13.751 000 000. 000 000 8 8 .043 000 486 .183 12.705 268 077 TOTAL ACRE FEET REQUIRED Parcel Map for Donald G. & Dee Ann Cutler. Kay H. Bunn to Joseph W. & Carol Tibbals. Joseph William Tibbals to Carol Tibbals. Carol Tibbals to Joseph W. Tibbals. 3485 697 .9504 1.0771 2.0692 2534 PER ACRE STORAGE 30 34 DAYS F 22 99 DESCRIPTION 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 DUTY 4.2788 4.2768 4.2768 Michael F. & Sandra M. Neeper C-125, P.: 46; J.i. Wilson 350 350 380 2.640 460 3.290 170 740 110 170 ACRES 510 6.170 4.130 20.010 10/24/03 10/24/03 10/24/03 03/05/82 12/10/73 06/24/81 09/06/84 01/21/94 03/31/95 06/29/94 06/29/94 DATE Norco, CA 92860 Fi. S 1/2 of SW 1/4, Sec. 22; Fr. NE 1/4 of NE 1/4, Sec. 27; T. 12 N. R. 25 E. 199 8th St. 155 900 900 .042 .063 603 .012 .002 007 800 50 Exhibit 42 36275 Parcel 3 of PM 180740 #70027 & # 70028 FORE DESCRIPTION: DOCUMENT HISTORY Court Decree; DOCUMENT # PRIORITY TOTAL #168103 #180740 #172992 Address #172991 #306986 NEWL #17193 #88208 #306987 #306988 EXCL Card #: Name: 1862 1863 1864 1868 1869 1872 1878 1877 1890 1903 #61467 1861 67.93

ATION DISTRICT .. NEVADA WALKER RIVER YERING, FM-372A1

index No.

54960 Steven & Laura Tomac

Division #:

Yerington, NV 89447 39 Panavista Cr. Address: Card #: Name:

Name:	Steven &	Steven & Laura Tomar											
											Lyon County No.	12-361-20	С
					į						Claim No.	182	a
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	Verington NV	NV 99447									Cser #	7107	e
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Court Decree:	C-125, P. 4	C-125, P. 46; J.I. Wilson											3:7
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				STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES		ζŲ
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1862	900.	.360	4.2768			000				162	Water Rt. Acres	•	9
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1869	700.	.460	4.2768			000				16.3	Acre Peet Storage		<u>.</u>
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Fr. N 1/2 of SW 1/4, Sec. 22; T. 12 N., R. 25 E. Parcel 1 of PM 180740

650 Filed 05/09/05 Page 136 of 383

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Fort Mai, SC 28716   Cutation No.    Address: Court Decree:			Jego Mic.		1						Lyon County No.	12-361-19	
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14, Sec. 22;   Community   Date   Description   Descript	EXCL		7.070	4.2768			000						
DATE DESCRIPTION  12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbala. 12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbala. 12/10/73 Kay H. Bunn to Joseph W. Iibbala. 12/10/73 Larol Tibbala to Garol Tibbala. 12/10/74 Joseph William Tibbala (20 Ac.). 12/10/74 A Parcel Map for Joseph William Tibbala, as his sole & separate Property. 12/10/74 A Parcel Map for Joseph William Tibbala to Donald G. & Dee Anne Cutter, H&W as J.T. 12/10/74 Joseph William Tibbala to Donald G. & Dee Anne Cutter, H&W as J.T. 12/10/74 Trustee's Deed - Tile Trust Deed Service Company as Trustee to First Union National Bank, Trustee, the second	₹	266	34.260				23.670	23.67	23.67	00			
12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbals.  12/10/73 Kay H. Bunn to Joseph W. & Carol Tibbals.  12/10/73 Kay H. Bunn to Joseph W. A Carol Tibbals.  12/10/73 Carol Tibbals to Joseph W. Tibbals.  12/10/74 Joseph W. Tibbals to Helen Coxhead MacFarland (20 Ac.).  12/10/79 Carol Tibbals to Helen Coxhead MacFarland (20 Ac.).  12/10/79 Carol Tibbals to Joseph William Tibbals. as his sole & separate Property.  12/12/19/4 A Parcel Map for Joseph William Tibbals to Donald G. & Dee Anne Cutter, H&W as J.T.  12/14/03 Trustee's Deed - Tite Trust Deed Service Company as Trustee to First Union National Bank, Trustee, the second	LEGAL DESCRIPTION								COMMENTS				
Description  12/19/73 Kay H. Bunn to Joseph W. & Carol Tibbala.  12/19/73 Kay H. Bunn to Joseph W. Carol Tibbala.  03/06/82 Carol Tibbala to Joseph W. Tibbala.  03/06/84 Joseph W. Tibbala to Helen Coxhead MacFarland (20 Ac.).  A Parcel Map for Joseph William Tibbala (20 Ac.).  06/12/94 A Parcel Map for Joseph William Tibbala to Donald G. & Dee Anne Cutler, H&W as J.T.  06/12/94 Joseph William Tibbala aka Joseph W. Tibbala to Donald G. & Dee Anne Cutler, H&W as J.T.  03/14/03 Trustee's Deed - Title Trust Deed Service Company as Trustee to First Union National Bank, Trustee, the second	1/2 of SW	1/4, Sec. 2;							Parcel 2 of	PM180740		1	
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02/14/03	2		03/31/96	Parcel Map	for Done	d G. & Dee Ann	Cutter.			W 48 4.1.			
	20		02/14/03	Trustee's D	eed - Title	Trust Deed Se	rvice Company	f as Trustee to F	rst Union Nation	nal Bank, Truste	be, the secon	d party	

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 138 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsur	it
or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of	of
Summons or in the service of the Notice in Lieu of Summons	

Date: 10/17/00

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Trustee</u>

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 139 of 383

1		
2	IN THE UNITED STATES D FOR THE DISTRICT O	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	) )
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) )
8	WALKER RIVER IRRIGATION DISTRICT,	) )
9	a corporation, et al.,	j
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub	-proceeding in this case.
12	2. I am filing this document with the Distri	ct Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street. Stite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this docu nent to:	
13	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	<b>ca</b>
20	Environment & Natural Resources Divis P.O. Box 756	ion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objectio
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defe
24	in the Notice in Lieu of Summons or in the service of th	e Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actin	ng) have retained an attorney to represe
26	me in these proceedings, I identify that attorney below,	along with his or her mailing addres
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	CIPATE, page 1 of 2

### Case 3:73 cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 140 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Telephone number)

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 141 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation Distric', which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in I ieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susar L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 03 -17- 05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as Trustee of

Diehl Family 1999 Revocable Living Trust
(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 142 of 383

_			
2		IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED ST.	ATES OF AMERICA.	)
4		Plaintiff.	) )
5	WALKER R	IVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		) )
8			į́
9	WALKER R. a corporation	IVER IRRIGATION DISTRICT, , et al.,	) )
10		NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this sub	p-proceeding in this case.
12	2.	I am filing this document with the Distr	ict Court at the following address:
13		Chief Deputy Clerk	
14		United States District Court for the	
15		District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of m	ny Waiver of Service of Notice in Lieu
17	Summons La	im mailing a copy of this document to:	
13		Susan L. Schneider	
19		Attorney for the United States of Ameri	ca
20		United States Department o Justice Environment & Natural Resources Divi P.O. Box 756	sion
21		Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am act	ing) will retain all defenses or objectio
23	to the lawsuit	or to the jurisdiction or venue of the cour	rt except for objections based on a defe
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5.	If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represe
26	me in these p	roceedings. I identify that attomey below	, along with his or her mailing addres
27	telephone nur	nber, and facsimile number:	
28			
	NOTICE	OF APPEARANCE AND INTENI TO PARTI	cipate, page 1 of 2

3:73	-cv-00127-R	CJ-WGC Document 650 Filed 05/09/05 Page 143 of 38
1	<b>11</b>	Attorney:
2		
3	A	Address:
4		·
5		
- 6	P	hone Number:
7	F	Tax Number:
8		
9		(Signature)
10		
11		(Printed or typed Name)
12		Trustee of
13		Diehl Family 1999 Family Revocable Living Tru
14		(Entity, if any, on whose
15		behalf you are appearing)
16		327 BROADLAY
17		Yepington, NU8944 (Address)
18		mandabile
19		(Telephone number) (775) 463-7813
20		(113) 103
21		
22		
23		
24		
25	,	
26		
27		
28		

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 144 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will recain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Date: 3 18 05

If you are acting on behalf of any entity, identify that you are

acting as: Surviving Trustee

(Title)

Josepha Gladys Domenic Family Trust

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 145 of 383

2		IN THE UNITED ST. FOR THE DIST		
3		STATES OF AMERICA.	)	
4	N	Plaintiff.	ý	
5	WAIKER	. RIVER PAIUTE TRIBE.	ý	IN EQUITY NO. C-125
6		Plaintiff-Intervenor.	(	SUBFILE NO. C-125-B
7		,	{	30B) HE NO. C-123-D
8	VS.		{	
9	a corporati	RIVER IRRIGATION DISTRICT, on. et al.,	, }	
10		NOTICE OF APPEARANCE A	AND INTEN	T TO PARTICIPATE
11		<b>71</b>		
12	1.	I hereby enter my appearance in	•	_
13	2.	I am filing this document w th	the District C	ourt at the following address:
14		Chief Deputy Clerk United States District Court for	the	
15		District of Nevada 400 South Virginia Street, Suite	301	
16		Reno, Nevada 89501		
17	3.	In the envelope provided for ret	um of my Wa	aiver of Service of Notice in Lieu
13	Summons.	I am mailing a copy of this docume.	nt to:	
19		Susan L. Schneider Attorney for the United States o	f America	
	<u> </u> 	United States Department of Just Environment & Natural Resource	stice	
20		P.O. Box 756 Littleton, Colorado 80160	722 DIVIZION	
21				
22	4.	•	<b>.</b>	vill retain all defenses or objectio:
23	to the lawsu	it or to the jurisdiction or venue of	the court exc	ept for objections based on a defe
24	in the Notice	e in Lieu of Summons or in the serv	rice of the No	tice in Lieu of Summons.
25	5. 🕺	If I (or the entity on whose behalf I	am acting) ha	ave retained an attorney to represe:
26	me in these	proceedings, I identify that attorne	y below, alon	ng with his or her mailing addres
27	telephone nu	imber, and facsimile number:		
28				
	NOTICE	E OF APPEARANCE AND INTENT TO	PARTICIPA:	rk, page 1 of 2

#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 146 of 383 Address: Phone Number: Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 147 of 383

APN: N/A

O 40800093

WHEN RECORDED MAIL TO:
MAIL TAX STATEMENTS TO:
Chris H. Gansberg, Jr. and
Faye E. Gansberg
2277 Foothill Road
Markleeville, CA 96120

LPTT#3

#### GRANT, BARGAIN AND SALE DEED

THIS GRANT, BARGAIN AND SALE DEED is made and entered into this 15th day of May 2004, between DOUBLE JA LAND & LIVESTOCK, INC., ("Grantor") and CHRIS H. GANSBERG, JR. and FAYE E. GANSBERG, husband and wife, as community property with right of survivorship ("Grantees").

#### WITNESSETH:

THAT THE SAID GRANTOR, for and in consideration of the sum on One Dollar (\$1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells and conveys unto Grantees and to their heirs, successors and a signs forever, all of the following described lot, piece or parcel of land, water rights, situate, lying and being in the State of Nevada, Lyon County, described as follows:

- A. See Exhibit "A" attached hereto and incorporated lerein by reference.
- B. The following described water rights on file at the Nevada State Engineer's office.
  - Proof of Appropriation 04230 (i) Permit12325, Certificate 3227 Permit 64014, Certificate 15640 Permit 12345, Certificate 3442 Permit 64013, Certificate 15639 Permit 12375, Certificate 3229 Permit 31197, Certificate 10155 Permit 12398, Certificate 3202 Permit 31198, Certificate 10156 Permit 12324, Certificate 3226 Permit 12280, Certificate 3207 Permit 12321, Certificate 3223 Permit 69801 Application70044 Permit 12323, Certificate 3225 Permit 2322, Certificate 3224 Application 70045

#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 148 of 383

- (ii) All water rights of the Walker River, including decreed, stored or Newlands, as more particularly set forth in the action entitled United States v. Walker River Irrigation District, et al., in the United States District Court, for the District of Nevada, in Equity C-125, appurtenant to the real property described above. Said water being a portion of Claim No.'s 11 and 123, and Claim No. 143 of the above entitled Decree. Index Card No. s 13300, 13400, and 13500 of the Walker River Irrigation District are incorporated herein.
- C. Any and all stock, shares or certificates of water ownership, or right to utilize water conveyance systems which are appurtenant to the real property described above.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TOGETHER WITH, all water and water rights, ditch and ditch rights, well and well rights with the appurtenances, unto the said Grantees, and to their heirs, successors and assigns forever.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has Fereunto executed this Grant, Bargain and Sale Deed the day and year first above written.

DOUBLE JA LANI! & LIVESTOCK COMPANY, INC., A NEVADA CORPORATION

By: John J. ASCOAGA, President ()

By: Roce L. acceaga

#### : Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 149 of 383

STATE OF NEVADA	)
	: SS.
COUNTY OF WASHOE	)
This instrument was	acknowledged before me on the 15 day of May
2004, by John J. Ascuaga.	
Notary Public	NANCY RAPP TRABERT Notary Public - State of Nevada Appoint Recorded in Washos County No: 94-034-52 - Expires November 4, 2006
STATE OF NEVADA	)
	: ss.
COUNTY OF WASHOE	)
This instrument was 2004, by Rose L. Ascuaga.	acknowledged before me on the 15 day of 1724,
Notary Public	Notary Public - State of Nevada Appointmant Recorded in Washoe County No. 94/04/12 - Fusings November 4 2006

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON COUNTY, described as follows:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF LYON, STATE OF NEVADA, DESCRIBED AS FOLLOWS:

T 11 N, R 23 E, M.D.B.&M.:

SECTION 13:

THE EAST HALF OF THE SOUTHEAST QUARTER AND THE SOUTHWEST QUARTER.

SECTION 24:

THE EAST HALF OF THE SOUTHEAST QUARTER; THE EAST HALF OF THE NORTHEAST QUARTER; THE NORTHWEST QUARTER; THE EAST 200 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER; THE EAST 200 FEET OF THE SOUTHWEST QUARTER.

T 11 N, R 24 E, M.D.B.&M.:

SECTION 7:

THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THE SOUTH HALF OF THE SCUTHEAST QUARTER AND THE NE 1/4 OF THE SE 1/4, EXCEPTING THEREFROM PARCELS 1 AND 2 AS SHOWN ON LYON COUNTY PARCEL MAP 278755.

SECTION 18:

THE SW 1/4, THE E 1/2 OF THE NW 1/4, THE SW 1/4 OF THE NW 1/4, THE W 1/2 OF THE NE 1/4 AND THE N 1/2 OF THE NE 1/4 OF THE NE 1/4.

SECTION 19:

THE SW 1/4, EXCEPTING THEREFROM THAT PORTION CONVEYED TO H.B. GAGE, H.M. SCHOOLEY AND JOHN MCVICAR, TRUSTEES OF THE VALLEY GROVE CEMETERY ASSOCIATION AND THEIR SUCCESSORS IN OFFICE, BY DEED RECORDED APRIL 19, 1901 IN BOOK N. OF DEEDS, PAGE 237, LYON COUNTY NEVADA, RECORDS.

ALSO IN SECTION 19: ALL OF LOTS 1 AND 2 EXCEPT A STRIP OF LAND ALONG THE EAST BOUNDARY OF SAID LOTS BEING 52 RODS WIDE AT THE NORTH END AND 26 RODS WIDE ATTHE SOUTH END.

ASSESSOR'S PARCEL NO. 10-421-06 AND 13

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN

ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED DECEMBER 26, 2002, AS FILE NO. 287912, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

# WALKER RIVER IS. ATION DISTRICT YERINGTON, NEVADA

Caro #:	19.250
Name:	Chris H. Gansberg, Jr.
	Faye E. Gansberg
Address:	2277 Foothill Road

index No. Lyon County No.

Card #:	19250		;		į						Index No.		(
Name:	Chris H. G	Chris H. Gansberg, Jr.									Lyon County No.	21-06	Ç
	Faye E. Gansberg	ansberg		]							Claim No.	i	as
Address:	2277 Foothill Road	hill Road			]						User #	1	e
	Markieevi	Markleeville, CA 96120			! !						Ditch	West Walker	3:
Court Decree:	C-125, P.	C-125, P. 42; Settelmeyer, F. W.	r, F. W.										/3 <sub>i</sub>
PRIORITY	C.F.S.	ACRES	YTUG	DAYS	PER ACRE FEET REQUIRED	REQUIRED TOTAL	ACRE FEET APPORTIONED	TOPAZ RES. ACRE FEET	BRIDGEPORY RES. ACRE FEET	CLAIM #	TOTAL ACRES	CV	<u>CV</u>
1862	910.	1,330	3.2076			000				143		00	Ψι
1863	1.019	84.920	3.2076			000				2	Water Rt. Acres	247	녯
1868	.132	16.170	3.2076			000				143	Non Wir Rt. Acres		25,
1878	.357	29.750	3.2076	4	.4039	12.016				143	<del></del>		-
NEWL		116.000	3.2076	98	1.6444	179.160					Acre Feet Storage	7	16
TOTAL	1.524	247.170				191.168	181.17	191.17	00.				Y۲
LEGAL DESCRIPTION:	×.	-						COMMENTS:					<b>, א</b>
SW 1/4, Sec. 19;	19;						144 S F	06/16/04 -	08/16/04 - Transferred from Double JAL & L Co. user #550	т Double JA	NL&LCo card #13500	3500,	V/GC
1/2 of SE 1/4, Fr. T 11 N, R 23 E.	4, Fr. W 1/2   23 E.	E 1/2 of SE 1/4, Fr. W 1/2 of SE 1/4, Sec. 24; T 11 N, R 23 E.	24;		in the second								יט ק
DOCUMENT HISTORY:	۲۲:			3.6	1.5								JΨ
DOCUMENT #		DATE	DESCRIPTION	No	(138 <sub>7</sub>								ųι
#49-219		99/60/90	Fred W.	Katle A S	Fred W. & Kafle A. Settelmever to D	Amounth and	Plymouth I and & I luestock Co.						110
#09352		01/26/72	Plymout	h Land & St	nek Co to Dom	his IA I and R. I	Plymouth Land & Stock Co. to Double 10 Land & Livertock Co. Inc.		7 - H - CAMP				ו וְכּ
#322107	:	06/01/04	Double J	A Land and	Double JA Land and Livestock Community property with right of each	ompany, Inc., a N	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H.	on to Chris H. G	Gansberg, Jr. and	Faye E.	Gansberg, husband ar	nd wife as	ų O
#322108		06/01/04	Referenc	References water		die in in		ment manager of the state of th					YU
					-						M. A.	Filed 0.5/09/05 Page 151 or 70/08/90 AKID 06/30/08/90	1 110d <b>4.5</b> /00/00 1 dg 0 10 1 g

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.00, user					nd wife				RID (	
134					70 10				≥	

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276	10-421-13		803	st Waiker	: <b>7</b> 3	-	325	<b>V</b> -	OC	320.000
Index No.	Lyon County No. 10-421-13	Claim No.	User #	Ditch				IOIAL ACKES		Water Rt. Acres
								CLA!M #		
						ON INCHES	פאו הסביטאו אני	ACRE FEET		00
						900 6000	-[	ACRE FEET		A 6 4 8 9 4
						A POBECET	MANG LEE	APPORTIONED		658 94
						FET BEOLIBED	7	TOTAL	658.940	658 940
ŀ			ĺ			ACRE FEET		PER ACRE	2.0592	
						DAVE	1	SIOKAGE	99	-
	·						YTUC		4.2768	
19251	ansberg, Jr.	ansberg	hill Road	Markleeville, NV 96120			ACRES		320.000	320,000
19251	Chris H. G	Faye E. G	2277 Foot	Markleevi			ei u			
								-	-	_

WALKER RIVER I ATION DISTRICT YERINGTON, NEVADA

Division #:

Acre Feet Storage		L & L Co crd #13400, user
	COMMENTS:	Map No. 24 8/12/02 - Changed APN 8/16/04 - Transferred from Double JA L & L Co crd #13400, user #560

-R

Non Wir Rt. Acres

90.

658.94

658.94

658.940

320,000

TOTAL

NEWL

LEGAL DESCRIPTION:

PRIORITY

Court Decree:

Address:

Card #: Name:

SW 114 SEc 18.	Map No. 24
T 44 M M 24 F	8/12/02 - Chang
E 1/2 of SE 1/4, Sec. 13;	6/16/04 - Trans
E 1/2 of NE 1/4, Sec. 24;	#220
T 11 N, R 23 E,	
DOCUMENT HISTORY:	

DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRIPTION
#09362	01/26/72	Plymouth Land & Livestock Co. to Double JA Land & Livestock Co., Inc.
170 100 110	ŭ6,24/62	Farcei Map for Double JA Land and Livestock Co.
#322107	06/01/04	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H. Gansberg, Jr., and Fave E. Gansberg, husband and wife as
		community property with right of survivorship
#322108	06/01/04	References water

ATION DISTRICT	NEVADA
WALKER RIVER IF	YERINGTC

Division #:

Card #:	19252										Index No.	241A 276
Name:	Chris H. G.	Chris H. Gansberg, Jr.			]						Lyon County No.	10-421-13
	Faye E. Gansberg	ansberg			}						Claim No.	Pt. of 111&123 00
Address:	2277 Foothill Road	hill Road			l						User #	S03
	Markleevil	Markleeville, CA 96120									Ditch	West Walker
Court Decree:	C-125, P. 3	C-126, P. 38; McVicar#111 P.38; Plymouth L&L Co.	1 P.38; Plyn	nouth L&L	ço.							3:7
				PAV&	ACRE FEET	EP RECOURED	A COURT	TODAY BEC	REIDAEBOBT BES			3
PRIORITY	C.F.S.	ACRES	PUTY	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES	CV
1862	¥00	420	3.2078		!	000				#		-0
1863	336	28.000	3.2076			000.				111	Water Rt. Acres	02020
1864	1.332	111.000	3.2076			000.				123	Non Wir Rt. Acres	17,030
1868	.060	6.000	3.2076			000				111		7-
1869	.370	30.830	3.2076			000				123	Acre Feet Storage	E P
1878	740	46.250	4.2768	17	.5386	24.910				123	.	C,
1878	.116	9.580	3.2076	47	.4039	3.869				111		<b>]</b> -
1878	1.792	149.330	3.2076	17	.4039	60.314				123		W
1885	096.	80.000	3.2076	29	.689	65.120				123		'G
1864	.720	60.000	3.2076			000				123		С
EXCL		17.020	3.2076			000						
TOTAL	6.430	637.430				144.214	144.21	144.21	00.			000
LEGAL DESCRIPTION:	Ä							COMMENTS				cu

Map No. 24 1/28/02 - card adjusted for excess decree 3/12/02 - Changed APN 8/12/02 - Changed APN 8/15/04 - Transferred from Double JA Land & Livestock Co card #13300, user #660	
NE of SE, S of SE, SE of SW, Sec. 7; N of NE of NE. W of NE. E of NW. SW of NW. Sec. 18: Fr. W of NW, Sec. 19; T 11 N, R 24 E. SW of SE, Sec. 13; NW of NE, E. 200 ft. in SW of NESec. 24; T 11 N, R 23 E.	DOCUMENT HISTORY:

LEGAL DESCRIPTION:		3	COMMENTS:
NE of SE, S of SE, SE of SW, Sec. 7; N of NE of NE. W of NE, E of NW, SW of NW. Sec. 18; Fr. W of NW, Sec. 19; T 11 N, R 24 E. SW of SE, Sec. 13;	of SW, Sec. 7; . E of NW, SW of N	NW. Sec. 18:	Map No. 24 1/28/02 - card adjusted for excess decree 3/12/02 - Changed APN 6/16/04 - Transferred from Double JA Land & Livestock Co card
NW of NE, E. 200 ft. in SW of NESec. 24; T 11 N, R 23 E.	SW of NESec. 24;		El 3300, user #650
DOCUMENT HISTORY:			ïle
DOCUMENT #	DATE	DESCRIPTION	d
#09352	01/28/72	Plymouth Land & Livestock Co. to Double JA Land & Livestock Co., Inc. (combined with 241-A less Plymouth Co.).	nc. (combined with 241-A less Plymouth Co.).
#278765	06/24/02	Parcel Map for Double JA Land & Livestock Company (APNs 10-421-1	Livestock Company (APNs 10-421-11 & 10-421-12 non-water righted land)
#322107	06/01/04	Double JA Land and Livestock Company, Inc., a Nevada corporation t property with right of survivorship	Double JA Land and Livestock Company, Inc., a Nevada corporation to Chris H. Gansberg, Jr. & Faye E. Gansberg, husband and wife as community property with right of survivorship
#33108	06/01/04	References Water	0
			5 Page
			WRID 06/30/04 of
			383

#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 154 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

	Frederick & about	
Date:	Signature	
	Frederick E. Alpers	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as: Co-Trustee	of
	(Title)	
	F & B Trust	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES D FOR THE DISTRICT O	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	) )
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) }
8	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	I hereby enter my appearance in this sub	p-proceeding in this case.
12	2. I am filing this document with the Distri	ict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:	
3	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Divis P.O. Box 756	ion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of th	e Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf am actir	ng) have retained an attorney to represent
6	me in these proceedings, I identify that attorney below,	along with his or her mailing address,
7	telephone number, and facsimile number:	
8		
	NOTETOE OF ADDEADANCE AND INTERNET TO DARWE	TTTNEE DOGG 1 of 2

#### Attorney: 1 2 Address: 3 4 5 Phone Number: 6 Fax Number: 7 Frederick Ellew 8 (Signature) 9 10 11 Frederick E. Alpers (Printed or typed Name) 12 13 14 F & B Trust (Entity, if any, on whose 15 behalf you are appearing) 16 192 Hudson Aurora Rd. 17 Smith. NV 89430 (Address) 18 <u>775- 463-2106</u> 19 (Telephone number) 20 21 22 23 24 25 26 27 2.8

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#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 157 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in L eu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-19-05

Signature

Barbara L. Alpers

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Co-Trustee</u>

(Title)

F & B Trust

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

_	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff,
5	WALKER RIVER PAIUTE TRIBE. ) IN EQUITY NO. C-125
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	) vs.
8	WALKER RIVER IRRIGATION DISTRICT, ) a corporation, et al., )
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	
13	2. I am filing this document with the District Court at the following address:
14	Chief Deputy Clerk United States District Court for the
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:
13	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division
20   21	P.O. Box 756 Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent
26	me in these proceedings. I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28	

# Case 3:78-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 159 of 383

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	Q 1 1 .
8		Dochara Mysex
9		(Signature)
10		
11		Barbara L. Alpers
12		(Printed or typed Name) Co-Trustee
13		
14		F & B Trust
15		(Entity, if any, on whose behalf you are appearing)
16		192 Hudson Aurora Rd
17		Smith. NV. 89430
18		(Address)
19		775-465-2106 (Telephone number)
20		•
21		
22		
23		
24		
25	•	•
26		••
27		

#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 160 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain	all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections h	pased on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	1

Date: 3/17/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in 1 of Summons), and may later object to the jurisdiction of the court or to the place where the act on has been brought.

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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 161 of 383

_					
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA			
3	UNITED STATES OF AMERICA.	)			
4	Plaintiff.				
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125			
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B			
7	vs.	}			
8 9	WALKER RIVER IRRIGATION DISTRICT. a corporation. et al.,	}			
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE			
11	Therefore and the same and the	sh annualing in this age			
12	1. I hereby enter my appearance in this st	•			
13	2. I am filing this document with the District Court at the following address:				
14	Chief Deputy Clerk United States District Court for the District of Nevada				
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501				
16	3. In the envelope provided for remm of	my Waiver of Service of Notice in Lieu o:			
17	Summons. I am mailing a copy of this documen: to:				
13	Susan L. Schneider				
19	Attorney for the United States of Amer United States Department of Justice				
20	Environment & Natural Resources Div P.O. Box 756	rision			
21	Littleton, Colorado 80160				
22	4. I (or the entity on whose behalf I am ac	eting) will retain all defenses or objections			
23	to the lawsuit or to the jurisdiction or venue of the con	art except for objections based on a defect			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.				
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent				
26	me in these proceedings, I identify that attorney below	w, along with his or her mailing address,			
27	telephone number, and facsimile number:				
28					
	NOTICE OF APPEARANCE AND INTENT TO PART	TICIPATE, page 1 of 2			

#### Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 162 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) DIANNE FASIAS (Printed or typed Name) FANIASLIC (Éntity, if any, on whose behalf you are appearing) (Address) (Telephone number)

#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 163 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

(Corporate, Trust. Partnership or other entity)

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### Case 3:73 cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 164 of 383

_				
2	IN TH	E UNITED STATES D OR THE DISTRICT (	DISTRICT COURT OF NEVADA	
3	UNITED STATES OF AME	ERICA.	)	
4 5	Plaintiff,	• •	) )	
6	WALKER RIVER PAIUTE	TRIBE.	) IN EQUITY NO. C-125	
7	Plaintiff-Inter	venor,	SUBFILE NO. C-125-B	
	vs.			
8 9	WALKER RIVER IRRIGAT a comporation, et al.,	TION DISTRICT.	) )	
10	NOTICE OF A	APPEARANCE AND IN	TENT TO PARTICIPATE	
11	1. I hereby enter	my appearance in this sub	p-proceeding in this case.	
12	2. I am filing thi	s document with the Distr	ict Court at the following address:	
13 14	Chief Deputy United States	Clerk District Court for the		
	District of N	levada		
15	Reno, Nevada	ginia Street, Suite 301 89501		
16	3. In the envelop	e provided for return of m	y Waiver of Service of Notice in Lieu	
17	Summons, I am mailing a cop	py of this document to:		
. 3	Susan L. Schn			
0,	United States	ne United States of Americ Department of Justice		
20	P.O. Box 756 Littleton, Colo	& Natural Resources Divis	SIOII	
21			· · · · · · · · · · · · · · · · · · ·	
22			ing) will retain all defenses or objection	
ll ll	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec			
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
25	5. If I (or the entity	on whose behalf I am action	ng) have retained an attorney to represen	
26	me in these proceedings. I id	entify that attorney below	, along with his or her mailing address	
27	telephone number, and facsim	nile number:		
28				

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:7:	3-cy-00127-RCJ-WGC Document	t 650 Filed 05/09/05 Page 165 of 3
2		
3	Address:	
4		
5	-	
6	Phone Number:	
7	Fax Number:	4
8		Ell Ham
9		(Signature)
10		
11		ELLIS N FARIAS
12		(Printed or typed Name)
13		
14		Partner - Farias LLC
15		(Entity, if any, on whose behalf you are appearing)
16		Po Box 27.
17		Wellington Nev 89444
18		(Address)
19		<u> </u>
20		(coopulation)
21		
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25	<b>;</b>	
26		
27		

#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 166 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Eagreen Farias	
Date: 3-/8-05	Signature	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that y	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 167 of 383

-			
2		IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED ST	TATES OF AMERICA.	)
4		Plaintiff.	)
S	WALKER F	RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		j
8		UVER IRRIGATION DISTRICT.	) }
10		NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this st	ib-proceeding in this case.
12	2.	I am filing this document with the Dist	
13		Chief Deputy Clerk	•
14 15		United States District Court for the District of Nevada 400 South Virginia Street, Suite 301	
16		Reno, Nevada 89501	
	3.	In the envelope provided for return of	my Waiver of Service of Notice in Lieu o
17	Summons. I	am mailing a copy of this document to:	
13		Susan L. Schneider	
19		Attorney for the United States of Arnel United States Department of Justice	
20		Environment & Natural Resources Div P.O. Box 756	rision
21		Littleton, Colorado 80160	
22	4.		cting) will retain all defenses or objections
23		t or to the jurisdiction or venue of the co	
24	in the Notice	in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5.	If I (or the entity on whose behalf I am ac	ting) have retained an attorney to represen
26	me in these p	proceedings, I identify that attorney belo	w, along with his or her mailing address.
27	telephone nu	mber, and facsimile number:	
28			

#### Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 168 of 383 Attomey: Address: Phone Number: б Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 18 Routa 338 (Address) (Telephone number)

#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 169 of 383 3 4 IN THE UNITED STATES DISTRICT COURT 5 FOR THE DISTRICT OF NEVADA 6 7 UNITED STATES OF AMERICA. 8 In Equity No. C-125-ECR Plaintiff. 9 Subfile No. C-125-B WALKER RIVER PAIUTE TRIBE. 10 NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT Plaintiff-Intervenor. 11 V. 12 WALKER RIVER IRRIGATION DISTRICT, 13 a corporation, et al., 14 Defendants. 15 16 The undersigned counter-defendant in the above action hereby notifies the Court and the 1 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has 18 sold or otherwise conveyed ownership of all or a portion of a water right within one or more of 19 the categories set forth in Paragraph 3 of the Case Management Order and provides the 20 following information: 21 The name and address of the party or parties who sold or otherwise conveyed 1. ownership: 2. Ellis Norman Farias and Dianne Farias 24 Name(s) 25 P. O. Box 27 Wellington, NV 89444 Street or P.O. Box 26 27 Exhibit 49 NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

Case	3:73-cv-00					5 Page 170 of
	2.	The name ar	nd address of e	ach person or	entity who acquired	lownership
	4		Travis 1	E. Myers and Name(s)	Francine L. L.	Myers
	5		2773 Hw			
	6			reet on P.O. Box	89444	
	7		ellington wn or City	NV State	ZipCode	
	8 3.	Attached to	or included wi	th this nonce i	s a copy of the (che	ck appropriate
	9   box(es)):					
1	0	X <u>C</u> X	Deed			
1	.1		Court Order			
1	2		Other Docume	ent.		
1	3 by which th	ne change in owr				
1	4.				person or entity who	
1						ble for the accuracy
1	of this filin	g. Consequently	the undersign	ned acknowled	iges that any persor	or entity who files
:	-					
1	٤		<del></del>			
1	9	This	nouce shall be s	ent to the follo	wing two persons:	
2	10	Linda Lea Sh	arer, Chief Dep	ury Clerk		
**	:1	United States 400 South Vi	Dismet Court f rginia Street, St	for the District (	of Nevada	
Ξ	22	Reno, NV 89.	501			•
2	23	<u>And</u> .•				
,	24	Susan L. Schi United States P.O. Box 756	Department of	Justice		•
-	25	Littleton, CO				
-	26					
	-					

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIF, page 2 of 3

i	the state of the s
Case	:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 171 of 383
. ئ	litigation.
3	
4	Executed this 18 day of March 2001.
5	
6	
7	[signature of counter-defendant]
8	50 Notar tare
9	Channe Tariax
10	Ellis Norman: Farias and Dianne Farias
11	[name of counter-defendant]
12	Ellis N FARIAS Dianne FARIAS
13	[signature, if applicable, of person acting on
14	behalf of counter-defendant]
15	
16	name, if applicable, of person acting on
1-	behalf of counter-defendant]
18	
	P. O. Box 27
19	Wellington, NV 89444
20	[address]
21	775-465-2123
22	[telephone number]
23	
24	
25	
26	
27	
28	NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 3 of 3
0	

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/69/95 Page 172 of 383

RECORD REQUESTED BY

APN 10-651-09 Document Transfer Tax \$975.00 Order No. TSL-26937 Mail Tax, Bill to Grantee:

2773 Hwy 208

NORTHERN NEVADA TITLE CO. 04 SEP -3 AM IO: 52

MARY C. FULLIGAN COUNTY RECORDER

FEE 1500 DEP. DW

SPACE ABOVE FOR RECORDER'S USE ONLY

GRANT; BARGAIN and SALE DEED

receipt of which is hereby CONSIDERATION, FOR A VALUABLE acknowledged

ELLIS NORMAN FARIAS and DIANNE FARIAS, husband and wife

do (es) hereby GRANT, BARGAIN and SELL TO

TRAVIS E. MYERS and FRANCINE L.L. MYERS, husband and wife as Joint Tenants with the Right of Survivership

the real property situate in the County of Lycn, State of Nevada, described as follows:

Beginning at a point at a fence corner at the Northeasterly corner of the parcel and along the Westerly side of the State Highway, said point further described as bearing North 69°43'30" West a distance of 864.33 feet from the section corner common to Sections 1, 2, 11 and 12, Township 10 North, Range 23 East; thence South 50°59' East along the Westerly side of the State Highway, a distance of 88.00 feet to a point; thence South 38°58' West a distance of 530.00 feet to a point on the Easterly slope of the Plymouth Ditch; thence North 35°11' West along the Easterly slope of said ditch, a distance of 91.50 feet to a point at the fence corner; thence North 38°58' East along the fence line a distance of 505.10 feet to the point of beginning.

Reference is hereby made to that certain Record of Survey for Ellis Norman Farias, recorded in the Official Records of Lyon County, Nevada on August 19, 2004 as Document No. 328857.

Note: Legal Description previously contained in document recorded March 10, 2003 as Document No. 292199. po

330250

#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 173 of 383

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof.

DIANNE FARIAS STATE OF NEVADA SS.

COUNTY OF LYON

on Sept. 1, 2001 personally appeared before me, a Notary Public (or Judge or other authorized person, as the case may be), ELLIS NORMAN FARIAS and DIANNE FARIAS, who acknowledged to me that they executed the within instrument.

STEPHANIE L. JACKSON Notary Public - State of Nevada Appointment Recorded in Lyon County No: 97-3155-12 - Expires August 25, 2005

44.

. .

#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 174 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-18-05 Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: (Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service "the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in eu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 175 of 383

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
ڌ	UNITED STATES OF AMERICA,	· 	
4	Plaintiff.		
5	WALKER RIVER PAIUTE TRIBE, )	IN EQUITY NO. C-125	
6	) Plaintiff-Intervenor, )	SUBFILE NO. C-125-B	
7	vs.	) 	
8	WALKER RIVER IRRIGATION DISTRICT, ) a corporation. et al.,		
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE		
11	1. I hereby enter my appearance in this sub	-proceeding in this case.	
12	2. I am filing this document with the Distri	ct Court at the following address:	
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301		
15	Reno, Nevada 89501		
16	3. In the envelope provided for return cf m	y Waiver of Service of Notice in Lieu (	
17	Summons, I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of America United States Department of Justice		
20	Environment & Natural Resources Division P.O. Box 756		
21	Littleton, Colorado 80160  4. I (or the entity on whose behalf! am acti	ing) will retain all defenses or objection	
22			
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf   am acting) have retained an attorney to represer		
26	me in these proceedings, I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28			

	22/27 20/14/20 2	
• •	B- <u>cy</u> -00127-RCJ-WGC Docume Attomey:	nt 650 Filed 05/09/05 Page 176 of 383
, 1	<b>1</b>	
2	Address:	
4		
5	•	
6	Phone Number:	
7	Fax Number:	
8		March Tarias
9		(Signature)
10		
11		HAROLD WTARIAS
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		18 Route 338
17		WELLINGTON NV 8944C
18		(Address) (775) 465-3277
19		(Telephone number)
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28		
	NOTICE OF APPEARANCE AND INTEN	T TO PARTICIPATE, page 2 of 2
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#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 177 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-17-05

ELLIS N FARIAS

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in u of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## . Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 178 of 383

-			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.		
4	Plaintiff.		
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.		
8	WALKER RIVER IRRIGATION DISTRICT, ) a corporation. et al		
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE		
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	-proceeding in this case.	
12			
13		or come at the following amount	
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return cf m	y Waiver of Service of Notice in Lieu (	
17	Summons. I am mailing a copy of this document to:		
18	Susan L. Schneider Attorney for the United States of Arterio	ra	
19 20	United States Department of Justice Environment & Natural Resources Divis		
21	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the cour		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28			
4 - 1			

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:73	-cy-00127-RCJ-WGC Docume	ent 650 Filed 05/09/05 Page 179 of 383
1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	=00 M
8		Oll Ham
9		(Signature)
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11		ELLis N FARIAS (Printed or typed Name)
12		
13		11:45.11
14		Entity, if any, on whose
15		behalf you are appearing)
16		PO Box 27 Wellington
17		Nivada 97444 (Address)
18		465-2123
19		(Telephone number)
20		
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24	:	
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#### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 180 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 3/20/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 181 of 383

-	1		
2		IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA
3	UNITED ST.	ATES OF AMERICA.	)
4		Plaintiff,	<del>)</del> )
5	WALKED B	IVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	WALKER	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		riammii-mic. Choi,	) }
8	V\$.		, )
9	a corporation		) )
10		NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this sub	p-proceeding in this case.
12	2.	I am filing this document with the Distr	ict Court at the following address:
13		Chief Deputy Clerk	
14		United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3.	In the envelope provided for return cf m	ny Waiver of Service of Notice in Lieu c
17	Summons, I	nm mailing a copy of this document to:	
13	,	Susan L. Schneider	
19		Attorney for the United States of Americal United States Department of Justice	
20		Environment & Natural Resources Divi P.O. Box 756	sion
21		Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am act	ing) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone nur	nber, and facsimile number:	
28			
	NOTICE	OF APPEARANCE AND INTENT 10 PARTS	CIPATE, page 1 of 2

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 182 of 383 Attomey: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 11 hongview LANE Wellington No (Address) (175)465-9012 (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 183 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Date: 3/18/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 184 of 383

II.	To make the			
2	IN THE UNITED STATES DI FOR THE DISTRICT OF	STRICT COURT F NEVADA		
3	UNITED STATES OF AMERICA.	1 1		
4	Plaintiff.	1		
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125		
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B		
7	vs.	) )		
80 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )		
10	NOTICE OF APPEARANCE AND ENT			
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.		
12	<ol> <li>I am filing this document with the Distr</li> </ol>	ict Court at the following address:		
13	Chief Deputy Clerk			
14 15	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301			
16	Reno, Nevada 89501	ny Waiver of Service of Notice in Lieu 🤇		
- 17		<del></del>		
13	Summons. I am mailing a copy of this document to:			
19	Susan L. Schneider Attorney for the United States of America United States Department of Justice			
20	United States Department of Justice Environment & Natural Resources Division P.O. Box 756			
21	Littleton, Colorado 80160	eting) will retain all defenses or objection		
22	4. I (or the entity on whose behalf I am ac	unt except for objections based on a defec		
23	to the lawsuit or to the jurisdiction or venue of the con	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections because the lawsuit or to the jurisdiction of the lawsuit or to the lawsuit of the lawsuit or to the lawsuit o		
24	in the Notice in Lieu of Summons or in the service of	vine) have retained an attorney to represen		
25	5. If I (or the entity on whose behalf I am ac	sting) have retained an attorney to represent		
25	me in these proceedings. I identify that attorney belo	w, along with his or her manning		
27	telephone number, and facsimile number:			
28		mrother page 1 of 2		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

	Case 3:73	-cy-00127-RCJ-WGC Documer	it 650 Filed 05/09/05 Page 185 of 383
•	2		
	3	Address:	
	4	<u>.</u> .	
	5		
	- 6	Phone Number:	
	7	Fax Number:	1.70 = 1:
	8		- Jan Vinc
	9		(Signature)
	10		Jill Fine
	11		(Printed or typed Name)
	12		•
	13		
	14		(Entity, if any, on whose
	15		behalf you are appearing)
	16		Dellington, NV 87444
	17		(Address)
	18		(775) 465-90/2
	19		(Telephone number)
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## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 186 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

\(\) Date: \(\) \(\) \(\) \(\) \(\) \(\) \(\) \(\	Signature Ruth Fletcher	
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you acting as:  (Title)	u are of
	(Corporate, Trust, Partnership or other entity)	

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service to Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a court that lacks jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 5 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 I hereby enter my appearance in this sub-proceeding in this case. 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 16 3. Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf "arm acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf "am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 188 of 383 Attorney: 1 2 Address: 3 4 5 Phone Number: б Fax Number: 7 X Ruth Filetcher 8 (Signature) 9 10 Ruth Fletcher 11 (Printed or typed Name) 12 13 14 (Entity, if any, on whose 15 behalf you are appearing) P. O. Box 6 16 Smith, NV 89430 17 (Address) 18 775-465-1098 (Telephone number) 19 20 21 22 23 24 25 26 27

28

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 189 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTETE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Sammons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain	all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections b	
Summons or in the service of the Notice in Lieu of Stymmons	$\circ$

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action of over its person or property. A party who waives service 2 Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in cof Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver to m, provide the court and DOJ attorney S. Schneider with tice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 190 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3 20 65

Signature

Dennis

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Partner (Title)

(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified or the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 191 of 383

-					
2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA			
1:1	UNITED STATES OF AMERICA.	)			
4	Plaintiff.	)			
153	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125			
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B			
7	vs.	) )			
8	WALKER RIVER IRRIGATION DISTRICT, a corporation. et al.,	) ) )			
10	NOTICE OF APPEARANCE AND IN	FENT TO PARTICIPATE			
11	I. I hereby enter my appearance in this sub	o-proceeding in this case.			
12	2. I am filing this document with the Distr				
13	Chief Deputy Clerk				
14	United States District Court for the District of Nevada				
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501				
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu			
17	Summons. I am mailing a copy of this document to:				
13	Susan L. Schneider	ion.			
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division				
20	P.O. Box 756 Littleton, Colorado 80160				
21		ting) will retain all defenses or objection			
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection				
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe				
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.				
25	5. : If I (or the entity on whose behalf "am acting) have retained an attorney to represe: me in these proceedings, I identify that attorney below, along with his or her mailing address				
26		·, w.o., · · · · · · · · · · · · · · · · · · ·			
27	telephone number, and facsimile number:				
28		- 6.0			
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2			

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Case 3:73		nt 650 Filed 05/09/05 Page 192 of 383
1	Attorney:	
2	) A J J	
3	Addr <del>e</del> ss:	
4 (	·	
5	Phone Number:	
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7	Fax Number.	Dens Clasia
8		(Signature)
9		, -
10		Dennis Acciari
11		(Printed or typed Name)
12		partner
13		Flying A Linited Part
14		(Entity, if any, on whose
15		behalf you are appearing)  P.O. Bo = 34
16   17		Sm. lh Na
18		(Address) 775 - 465 - 2358
19		(Telephone number)
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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 193 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAULTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4/8/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as

acting as the transfer

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Afternorate, Trust, Partnership or other entit

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in the of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 194 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

ignature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: ftyring Varther

Corporate, Trust, Partnership or other entity

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has beer brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 195 of 383

-			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	<i>)</i>	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	<i>)</i> )	
8	WALKER RIVER IRRIGATION DISTRICT. a corporation. et al.,	) ) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.	
12	2. I am filing this document with the Distr		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of America United States Department of Justice		
20	Environment & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160		
21	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objectio	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I are acting) have retained an attorney to represe		
26	me in these proceedings. I identify that attorney below	, along with his or her mailing addres	
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PARTI	CIPATE, page 1 of 2	

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 196 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 197 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

ighature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Fartner

\_\_\_\_ of

Flying A Limit

Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to be the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has be brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives servi the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice u of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wintice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 198 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver cf service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Partner of

Flying A Limited Partnership

(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 199 of 383

-			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
(1)	UNITED STATES OF AMERICA.		
4	Plaintiff.		
5	WALKER RIVER PAILTE TRIBE. IN EQUITY NO. C-125		
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B		
7	vs.		
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE		
11	<ol> <li>I hereby enter my appearance in this sub-proceeding in this case.</li> </ol>		
12	<ol> <li>I am filing this document with the District Court at the following address:</li> </ol>		
13	Chief Denuty Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu		
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of America United States Department of Justice United States Department Passaucras Division		
20	Environment & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160		
21	because helpelf agreeting) will retain all defenses or objection		
22	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defer		
23	to the lawsuit or to the jurisdiction of vehice of the Notice in Lieu of Summons.		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe:		
26	me in these proceedings. I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
28			
!	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2		

3:73	3-cy-00127-	RCJ-WGC Document	: 650 Filed	05/09/05 Page	200 of 38
1		Attorney:			
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8				Signature)	
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10				Julius Bu	nkow
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12			,	Partner,	
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14				Entity, if any, on wh	ose
15			1	behalf you are appear	_
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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 201 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4/8/25

Signature

rose //A/

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>int</u> owner

(Corporate Toust Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beat the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in 1 of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with tice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 202 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/20/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_

PARTNERS

Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 203 of 383

1			
2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff.	) )	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.	) }	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	} }	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11	I hereby enter my appearance in this sub-	p-proceeding in this case.	
12	2. I am filing this document with the Distr	ict Court at the following address:	
15	Chief Deputy Clerk		
14	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
15			
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu o	
-7	Summons. I am mailing a copy of this document to	,	
13	Susan L. Schneider		
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division		
20	Environment & Natural Resources Division P.O. Box 756		
21	Littleion, Colorado 80160	ing) will receip all defences or objections	
22		ing) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec-		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acti		
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address,	
27	telephone number, and facsimile number:		
28			
	NOTICE OF APPEARANCE AND INTENT TO PART	CCIPATE, page 1 of 2	

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 204 of 383

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9		(Signature)
10		Rose MARKE Bun Youst
11		(Printed or typed Name)
12		Partner
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14		Entity, if any, on whose
15		behalf you are appearing)  POBA36
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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 205 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

	1)	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAILTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
8	WALKER RIVER IRRIGATION DISTRICT,	)
9	a corporation, et al.,	<b>)</b>
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE	
	1. I hereby enter my appearance in this st	ab-proceeding in this case.
12	2. I am filing this document with the Dist	
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno. Nevada 89501	
16		my Waiver of Service of Notice in Lieu (
- 7	Summons. I am mailing a copy of this document to:	my wave of borner of trouse in the
13	Susan L. Schneider	
:9	Attorney for the United States of Amer	rica
20	United States Department of Justice Environment & Natural Resources Div	rision
2:	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5 If I (or the entity on whose behalf I am acting) have retained an attorney to represen	
26	me in these proceedings. I identify that attorney below, along with his or her mailing address	
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2

Case 3:73 cv	-00127-RCJ-WGC Documen	t 650 Filed 05/09/05 Page 207 of 383
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8		(Signature)
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10		PAMELA A FORRESTA
11		(Printed or typed Name)
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14		(Entity, if any, on whose
15		behalf you are appearing)
16		LEQUESTON NV
17		YERIHOTOM NV
18		(Address)
19		<u>775 - 463 - 4654</u> (Telephone number)
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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed <del>05/09/05 Page 208 of 383</del>

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- Susan L. Schneider, attorney for the United States of America TO:
- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 3-17-05 Printed/Typed Name If you are acting on benalf of any entity, identify that you are acting as: \_\_\_\_\_(Title) (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amendec Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the wa ver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

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3	Address:	
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14		(Entity, if any, on whose
15		behalf you are appearing)
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## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 210 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## Susan L. Schrieider, attorney for the United States of America TO:

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Date: 3-17-05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_\_\_\_\_(Title)

(Corporate, Trust, Partnership or other entity)

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wi a notice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 211 of 383

- 2		IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	i Dal	TED STATES OF AMERICA.	)
4	0.11	Plaintiff.	) ) ) IN EQUITY NO. C-125
5	WA:	LKER RIVER PAIUTE TRIBE.	SUBFILE NO. C-125-B
6 7		Plaintiff-Intervenor,	)
8	137.4	vs. LKER RIVER IRRIGATION DISTRICT,	
9	a cc	NOTICE OF APPEARANCE AN	ID INTENT TO PARTICIPATE
10	ij.	I hereby enter my appearance in the state of the sta	
11		1. I hereby enter my appearance in a	e District Court at the following address:
1.		The Control of the Clark	
1.	4	United States District Court for the District of Nevada 400 South Virginia Street, Suite	
1		Reno, Nevada 89501	urn of my Waiver of Service of Notice in Lieu c
1	li li	3. In the envelope provided for retuing a copy of this document	ent to:
	S1		
3	.9	Susan L. Schneider Attorney for the United States o United States Department of Jus Environment & Natural Resource	istice roes Division
	20	P.O. Box 756	
	21	· whose betalf	f I am acting) will retain all defenses or objection
	23	to the lawsuit or to the jurisdiction or venue o	of the court except for objections based on a defection of the Notice in Lieu of Summons.
	11	in the Notice in Lieu of Summons or in the se	If (am acting) have returned
	25	5. If I (or the entity of whose or these proceedings, I identify that attorn	niey below, along with his or her mailing addres
	26 27	telephone number, and facsimile number:	
	23		page 1 of 2
		NOTICE OF APPEARANCE AND INTENT	T TO PARTICIPATE, Page -

## Case 3:78-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 212 of 383 Attomey: Address: Phone Number: Fax Number: (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 213 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- Susan L. Schneider, attorney for the United States of America TO:
- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the Distric: of Nevada.
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  - 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST me. AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 6-9-04/

GERGIE W FBASER
Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as \_\_\_\_OW777ER

(Corporate, Trust, Partnership or other entity)

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Numer 4 of the Federal Rules of Civil Frocedure requires certain parties to eveperate in saving unnecessary costs of service of the Professor Blocd of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

It is not good cause for a failure to waive service that a party believes that the clarits of the opposing parties are unfounded, or that the action has been the cost of such service unless good cause be shown for its failure to sign and return the waiver. brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service

Notice in Lieu of Summons retains all defenses and objections (except ony relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. anumons), and may rater object to the jurisdiction of the court or to the pract while the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with the court and the court and DOJ attorney S. Schneider with the court and t

a notice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 214 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	James 11 Julilon	
Date: 3-21-2005	Signature Same it Fulstone.	
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you a	are of
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu ( Summons and the First Amendec Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to be: the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice i

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wit a notice of appearance and intent to participate.

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed <del>0</del>5/09/05 Page 215 of 383

1	H I maggid P		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	) 1	
4	Plaintiff.		
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.		
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,		
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE		
11	1. I hereby enter my appearance in this sub-proceeding in this case.		
12	2. I am filing this document with the District Court at the following address:		
13	Chief Deputy Clerk United States District Court for the		
14 15	District of Nevada  400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu o	
17	Summons. I am mailing a copy of this document ic:		
13	Coon I Schneider		
19	Attorney for the United States of America United States Department of Justice United States Department Personness Division		
20	Environment & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160		
21	to the entire on whose behalf I am acting) will retain all defenses or objections		
22	4. I (or the entity on whose behalf I am account a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect to the lawsuit or to the jurisdiction or venue of the court except for objections because the lawsuit or to the jurisdiction of the lawsuit of the lawsuit or to the jurisdiction of the lawsuit or to the lawsuit of the lawsuit or to the lawsuit of the lawsuit or to the lawsuit or to the lawsuit or to the lawsuit of the lawsuit or to the lawsui		
23	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
24	have retained an attorney to represent		
25	me in these proceedings. I identify that attorney below, along with his or her mailing address		
26			
27	telephone number, and facsimile number:		
28		1 0 5 7	

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 216 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 156 - Lower Colony (Address) 775-465-2373 (Telephone number)

## Case 3:73-cv-00127-RCJ-WGC Document 650 F394 05/09/05 Page 217 of 383

A.P.N. 14-301-03

Escrow No.: LY-302643-DA RPTT \$121.55, computed on full

RECORDING REQUESTED BY:

Northern Nevada Title Company

MAIL TAX STATEMENTS AND WHEN

RECORDED, MAIL TO:

Scott D. Rader

3155 Lucerne Way

Sparks, NV 89431

UFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

NORTHERN NEVADA TITLE CO. (13 AUG - 1 PM 3: 11

> MARY C. MILLIGAN COUNTY RECORDER

43° 00 00

THIS SPACE FOR RECORDER'S USE ONLY

GRANT, BARGAIN, SALE DEED

That Paul Gelles and Eleanor C. Gelles, Husband and Wife and Paul J. Gelles and Lynne R. Gelles, Husband and Wife as Joint Tenants with Right of Survivors disconversion of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, well and Convey to Scott D. Rader and Krys Rader, Husband and Wife as Joint Tenants with Right of Survivors belief that real property in the County of Lyon, State of Nevada, bounded and described as follows:

See Exhibit "A" attached bereto and made a part hereof

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT OBSCRIBED PROPERTY.

THEHEREIN

Together with all singular the tenements, hereditaments and appurtenances thereu ato belong to thin anywise appertaining.

**Traced:** July 25, 200<u>3</u>

Eleanor C Celles

SIGNED IN COUNTERPART

Paul J. Gelles

SIGNED IN COUNTERPART

Lynne R. Gelles

301412

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 218 of 383

The second secon
STATE OF)
COUNTY OF)
on personally appeared before me, a Notary Public, Paul Gelles and Eleanor C. Gelles who acknowledged that they executed the above instrument.
Notary Public)
STATE OF Vidaho
COUNTY OF Bingram )
on 7-30-03 personally appeared before me, a Notary Public, Faul J. Gelles and Lyane R. Gelles who acknowledged that they executed the above instrument.
Signature Julie Pully Notary Public
Commission axpille: 3-17-2009
AUEILIC O

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 219 of 383

LY-302643-DA 302643

#### EXHIBIT "A" ATTACHED TO GRANT, BARGAIN, SALE DEED

#### **EXHIBIT "A"**

All that certain real property situate in the county of Lyon, State of Nevada, described as follows:

A parcel of land located in Section 33, Township 14 North, Range 25 East, M.D.B.&M. and described as follows:

Commencing at the North of corner of Section 33, Township 14 North, Range 25 East, M.D.B.&M., from whence the North of the of said Section 33 bears N 89° 51' 49" W; thence S 01° 20' 44" W a distance of 2699.72 feet to be paint of beginning; thence around the parcel as follows:

S 0° 17' 46" W along the Western agh to lower of State Route 95A a distance of 282.89 feet; thence S 89° 10' 16" W a distance of 199.86 feet; thence S 78° 27' 30" W a distance of 193.50 feet; thence S 03° 57' 43" W a distance of 227.85 feet; thence S 03° 57' 43" W a distance of 57.02 feet to the South line of the "Painter Property" as shown of May File No. 103717, Lyon County Records; thence N 89° 40' 00" W a distance of 858.81 feet; thence N 05' 161-23" E a distance of 652.20 feet to the South line of Penrose Country Club Estates Map File No. 91 49, I pon County Records; thence S 89° 38' 00" E along said line a distance of 924.60 feet to a rock wall; thence S 02° 38' 16" W a distance of 1.97 feet to the Southwest corner of the wall; thence along the Southwest corner of the wall; thence along the Southwest corner of 86.93 feet; thence S 89° 52' 15" B a distance of 87.11 feet; thence S 89° 02' 51" E a distance of 100.58 feet; thence S 54° 19' 28" E a distance of 87.11 feet; thence S 57° 12' 48" E a distance of 36.30 feet to the true point of beginning.

Reference is hereby made to that certain Record of Survey / Boundary Line Adjustment for Doris J. Thompson and Paul Cielles & Eleanor C. Gelles, recorded in the Officia. Results of Lyon County, Nevada on July 7, 1999 as Document No. 236141 and as amended by Carriccate of Amendment recorded July 15, 1999 as Document No. 236451.

Note: Legal description previously contained in document recorded July 1, 2002 and Develop No. 279167.

Division #					WAL	WALKER RIVEI YERINGTO	RIVEI ATION DISTRICT YERINGTON. NEVADA	STRICT				
Card #: Name:	42128 Scott D. 8	42128 Scott D. & Krys Rader									Index No. Lyon County No.	279-A 14-301-03
Address.	3155 1 1106	уше Wav			· <b>!</b>						Claim No. User#	2540
	Sparks, NV 89431	V 89431				0,834.	O, & M. Local No. 2				Ditch	pell
Court Decree:								:				
				1000		NAME OF THE PERSON	F033 500 4	*ABA * 600	BOINGEBABY BES			
PRIORITY	C.F.S	ACRES	YTNO	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES	17.0
NEWL		17.090	3.2076	8	1.5444	26.390					Water Rt. Acres	)O <sub>2</sub>
TOTAL		17.090				26.390	26.39	18.10	0 8.29		Non Wir Rt Acres	2
												90.
								<b>3</b> -			Acre Feet Storage	26.3(0)
LEGAL DESCRIPTION:	ÿ			-	**	(1)		COMMENTS	ij			
Fr. N 1/2 of NE 1/4 of SE 1/4,	: 1/4 of SE	1/4, Sec. 33;						10/29/03	10/29/03 - Transferred from card 19710 - Gelles	om card 197	10 - Gelles	<b>G</b> C
1 C7 X - N & L	1 C7							_ _ 				
DOCUMENT HISTORY	>				<b>#</b>							
DOCUMENT #		DATE	DESCRIPTION	NO.								
#46-564		03/09/64	Herbert	Penrose t	Herbert Penrose to Charles & Mil	ldred Painter.						
#52-323,4	!	02/07/69	Charles	Painter to	Charles Painter to Mildred S. Painter.	nter.	:					
#03275		07/01/70	Charles	Painter to	Charles Painter to F. & Velma Campbell	mpbell.	:	:	:	:		<b>en</b>
#26443		05/28/76	Velma C	ampbell t	Veima Campbell to Charles F. Campbell	mpbell.						
E 15		03/18/60	Charles	Campbell P Duby 1	Charles Campbell to William & Kuby Lowery.	uby Lowery.	Dail & Lynn Collec					35
#236141		66/20/20	Record	of Survey.	Boundary Line	Record of Survey/Boundary Line Adjustment for Doris J.	Doris J. Thom	Thompson & Paul &	Eieanor C. Geiies	     S&		
#236143		661/0//0	Marian F	Inkerton,	acting Lyon Co	ounty Clerk & E	x-officio Clerk	on behalf of Pa	ui Gelles & Elea	ınor C. Geile	s quitciaims to Par	ui & Eleanor C.
#301412		08/01/03	Paul & E	leanor C. as Joint	Gelles, husbar Tenants	nd and wife and	Paul J. & Lynn	R. Gelles, hus	band and wife a	s Joint Tena	nts to Scott D. & P	Paul & Eleanor C. Gelles, husband and wife and Paul J. & Lynn R. Gelles, husband and wife as Joint Tenants to Scott D. & Krys Rader, husband and wife as Joint Tenants
							 				M	05/09/05 Page 220 of 6/06/90 Of MRID 06/30/05
												000

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/69/65 Page 221 of 383

OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN: 004-391-07 RPTT \$1244.10

WESTERN TITLE CO. INC. 04 JUN 23 PM 3: 37

MARY C. MILLIGAN COUNTY RECORDER

FFF 1500 MK

WHEN RECORDED MAIL TO: ALLAN R. SIMPSON

Street 1397 HI

1397 HIGHWAY 208

Address City,State

Name

YERINGTON, NV 89447

Zip

MAIL TAX STATEMENTS TO:

Name Street

ALLAN R. SIMPSON 1397 HIGHWAY 208

Address City,State

YERINGTON, NV 89447

Zip Order

00089913-201-SLG

No. 8695

(SPACE ABOVE THIS LINE FOR RECORDERS USE)

#### **GRANT, BARGAIN AND SALE DEED**

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, MARIO J. GHIO JR and DIANA D. GHIO, TRUSTEES OF THE GHIO FAMILY TRUST DATED JULY 3, 2003, do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to ALLAN R. SIMPSON, an unmarried man and TIMOTHY D. SWENSON and MICHELE T. SWENSON, husband and wife, as joint tenants. ALL TOGETHER AS JOINT TENANTS and to the heirs and assigns of such Grantee forever, all the following real property situated in the City of N/A County of LYON, State of Nevada bounded and described as follows:

LOT 6 AS SHOWN ON THE OFFICIAL MAP OF WALKER RIVER RANCH, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA ON JUNE 5, 1972 AS DOCUMENT NO. 10568

TOGETHER with all tenements, hereditaments and appurtenances if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: May 24, 2004

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 222 of 383

MARIO J. GHIO JE TRUSTEE

STATE OF NEVADA

COUNTY OF WASHOE

This instrument was acknowledged before me on

May 76th 2004

by MARIO J. GHIO. JR. AND DIANA D. GHIO.

TRUSTEES

Grant, Bargain and Sale Deed - Page 2



Notary Public

Case 3:7	3-cv-00127-R	-WGC Document 6	50 Filed 05/09/05 Page 223 of 38
Fm-376 4-391-07 1889 D.&.GW		373	and Timothy D. & M
Index No. Lyon County No. Ciaim No. User #	TOTAL ACRES Water Rt Acres Non Wtr Rt. Acres Acre Feet Storage	- card #19719, user #2373	Mario J. Gino, a married man and customs of granted to Diana D. Ghio, a sinatified woman as her sole and chearate property  Diana D. Ghio, who acquired title as a married woman as her sole and chearate property to Mario J. Ghio who acquired title as a married woman as her sole and chearate property to Mario J. Ghio, who acquired title as a married woman as her sole and chearate property of Mario J. & Diana D. Ghio, husband and wife to Mario J. Ghio, Jr. & Diana D. Ghio, husband and wife as Joint Tenants, all together as Joint Tenants  T. Swensen, husband and wife as Joint Tenants, all together as Joint Tenants  WRID 06/30/04  WRID 06/30/04  WRID 06/30/04
	CLAIR	ast Ghio	Ole and sepa
	ACREFEET ACREFEET .00	COMMENTS: 08/14/03 - Changed to Trust 06/28/04 - Transferred from Ghio 06/28/04 - Transferred from Ghio Mario J. & Diana D. Ghio.	operty to Mario Trustees of the
STRICT	ACRE FEET ACRE FEET 8.30	COMMENTS: 08/14/03 - 06/28/04 - 06/28/04 - chuster Family ist to Mario J. 8 er sole & separ	ind spearate properties of the
ATION DISTRICT	ACREFEET APPORTIONED 8.30	ections 9 & 10;  DESCRIPTION  The Walker RiverRanch to Martin & DonnaSchuster, 1976-77 Roll.  Martin Schuster to Donna R. Schuster, Trustee of the Donna R. Schuster Family Trust.  Donna R. Schuster as Trustee of the Donna R. Schuster Family Trust.  Martio J. Ghio, a married man to Diana Gnio, a married woman as her sole & separate property.  Mario Glio a married man to Diana Gnio, a married woman as her sole & separate property.	as a married woman as her sole and chearate property to Mario 1. Chio and Diana D. Chio dand wife to Mario J. Chio and Diana D. Chio dand wife to Mario J. Chio, Jr. & Diana D. Ghio, Trustees of the Ghio Family Trust dated 7/3/03 to Allan R. Simpson, an unmarried man a Joint Tenants, all together as Joint Tenants.
WALKER RIVE YERIN.	REQUIRED TOTAL 8.300	DESCRIPTION  Martin Schuster to Donna R. Schuster, Trustee of the Donna R. Schuster Family Tr.  Marto J. Ghio, a married man to Diana Ghio, a married woman as h	a married wom and wife to Mari
WAL!	ACRE FEET REQUIRED PER ACRE 2.0592 8	DESCRIPTION The Walker RiverRanch to Martin & Martin Schuster to Donna R. Schuster as Trustee of the Marto J. Ghio, a married man to Dia Mario J. Ghio, a married man to Dia Mario J. Ghio, a married man to Dia Mario J. Ghio, a married man to Dia	Marlo J. Gillo, a married man and Diana D. Ghio, who acquired title as Joint Tenants Marlo J. & Diana D. Ghio, husband a Marlo J. Ghio, Jr. & Diana D. Ghio, T. Swensen, husband and wife as Jo
	STORAGE 85	DESCRIPTION  The Walker RiverRanch to In Martin Schuster to Donna R. Schuster as Truster Mario J. Ghio, a married man	Gnio, a mar Gnio, who a Bants Chio, Jr. & En, husban
Swenson	4.2768	Sections 9 & Description The Walker Martin Sch Donna R. S Donna R. S Mario J. Gi Mario J. Gi	Mario J. Gnio, Joint Tenants Mario J. & Dia Mario J. Gnio, T. Swensen, h
49320 Allan R. Simpson Timothy D. & Michele T. Swenson 1397 Hwy 208 Yerington, NV 89447	4.030 4.030	Lot #6, Walker River Ranch Subdivision, Sections 9 & 10; T 11 N, R 26 E.  COUMENT HISTORY:  DOUNENT HISTORY:  DOUNENT HISTORY:  DOUNENT HISTORY:  DOUNENT HISTORY:  DATE DESCRIPTION  DESCR	07/26/03
49320 Allan R. Simpson Timothy D. & Mic 1397 Hwy 208 Yerington, NV 86	eń u	ir River Ranc	
Division #: Card #: Name: Address: Court Decree:	PRIORITY NEWL TOTAL	Lot #6, Walker RIV. T 11 N, R 26 E.  DOCUMENT # #26602 #116126 #164200 #173856 #223030	#239442 #324026

se 3:73-cv-00127-RCJ-WGC Do	cument 650 Filed 05/09/45 Page 224 of 383
A.P.N. # 10-331-34	UFFICIAL KECORDS LYBN COUNTY, NEV.
A.P.N. #	RECORD REQUESTED BY
R.P.T.T. \$ 8580.00	STEWART TITLE OF CC.
ESCROW NO. 04040146	O4 JUN -4 AM 8: 12
RECORDING REQUESTED BY:	Of JOH at MILO. 15
STEWART TITLE COMPANY MAJL TAX STATEMENTS TO:	HARY C. HILLIGAN
SAME AS BELOW	COUNTY RECORDER
	FEE/O-7 DEP. MV
WHEN RECORDED MAIL TO	
GRANTEE	
1320 HIGHWAY 395 N	
GARDNERVILLE, NEVADA 89410	(Space Above for Recorder's Use Only)
GRANT, BARGA	
**THIS DEED IS BEING SIGNED IN	COUNTERPART**
THIS INDENTURE WITNESSETH: That MICHAI GILBERT, HUSBAND AND WIFE AND	el C. Gileeri and angel kerr
Limited Liability Company	J & M FI, HDC. a Nevada
in consideration of \$10.00, the receipt of which is here and Convey to GR8DEAL, LLC., A NEVAL	by acknowledged, does hereby Grant, Bargain Sell
and Convey to GR8DEAL, LLC., A NEVAL	DA LIMITEL LIABILITY COMPANY
County of Lyon SEE EXHIBIT "A" ATTACHED HEI Together with all and singular the tenements, hereditant anywise appertaining, and any reversions, remainders, 1	State of Nevada, bounded and described as:  RETO AND MADE A PART HEREOF  ments and appurtmances thereunto belonging or in  rents, issues or profits thereof.
DATE: May 27, 2004	0.5
	46.23
J & M PI, LLC	MICHARL C. GILBERT
	and an Hiller
JADE A. MILLER	ANGEL RERR GILBERT
JADE A. PHIMER	
BY:	
TENLEY V. MILLER	CAROL COSTA
	Notary Public - State of Nevada
	Appointment Recorded in County of Douglas D My Appointment Expires Nov. 4, 2004
TATE OF TOUR A SON (1857) SS.	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
(A. Ca. (1 4- ) SS.	
COUNTY OF MISCRULY	
his instrument was solmouled and hefere we are	1-14
his instrument was acknowledged before me on 6- V.MICHARL C. GILBERT and ANGEL K	CERR
GILBERT and J & M PI, LLC	
. (prollosta	
Signature West a	
Notary Public (One inch margin on all sid	AND THE PROPERTY OF THE PROPER

ase 3:73-cv-00127-RCJ-WGC Do	ocument 650 Filed <u>0</u> 5/09/05 Page 225 of 383
A.P.N. # 10-331-34	
R.P.T.T. \$ 8580.  ESCROW NO. 04040146  RECORDING REQUESTED BY:  STEWART TITLE COMPANY  MAIL TAX STATEMENTS TO:  SAME AS BELOW	·
WHEN RECORDED MAIL TO: GRANTEE 1320 HIGHWAY 395 N GARDNERVILLE, NEVADA 89410	(Space Above for Recorder's Use Only)
GRANT, BARGA	
THIS INDENTURE WITNESSETH: That MICHAI GILBERT, HUSBAND AND WIFE AND CLimited Liability Company	EL C. GILBERT AND ANGEL KERR J & M PI, LLC. a Nevada
in consideration of \$10.00, the receipt of which is here and Convey to GR8DEAL, LLC., A NEVAL	by acknowledged, does hereby Grant, Bargain Sell  OA LIMITED LIABILITY COMPANY
Together with all and singular the tenements, hereditarr	State of Nevada, bounded and described as:  RETO AND MADE A PART HEREOF  ments and appurt changes thereunto belonging or in
anywise appertaining, and any reversions, remainders, particles, p	rents, issues or profits thereof.
J & M PI, LLC	MICHAEL C. GILBERT
JADE A. MILLER	ANGEL KERR GILBERT
TENLEY V. MILLER	
STATE OF Media a 320221.5  COUNTY OF Carson Coty 555.	CAROL COSTA Notary Public - State of Nevada Appointment Recorded is Country of Douglas My Appointment Expires Nov. 4, 2004
This instrument was acknowledged before me on by MICHAEL C. GILBERT and ANGEL K GILBERT and J & M PI, LLC	- /- 04 ERR
Signature <u>Ut al Color</u> Notary Fublic (One inch margin on all sid	les of document for Recorder's Use Only)

#### EXHIBIT 'A'

ALL THAT CERTAIN REAL PROPERTY BEING A PORTION OF SOUTH 1/2 OF SOUTHEAST 1/4 OF SECTION 22, AND NORTHEAST 1/4 AND NORTHWEST 1/4 OF SOUTHEAST 1/4 OF SECTION 27, T 11 N, R 23 E, M.D.B.&M., LYON COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

PARCEL 1-A, AS SHOWN ON THE PARCEL MAP PREPARED FOR WEAVER PROPERTIES, L.L.C., RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA ON APRIL 23, 1999, AS DOCUMENT NO. 232837.

ASSESSOR'S PARCEL NO. 10-331-34

"TOGETHER WITH approximately 281 acre feet of storage water rights from Topaz Lake appurtement to the property".

WRID 06/30/04

227 of 383

Page

Weaver Properties L.L.C., a Nevada Limited Liability Company to Michael C. & Angel Kerr Gibert, husband and wife as Joint Tenants as to an

Michael C. & Angel Kerr Gilbert, husband and wife and J & M Pl, LLC, a Nevada limited company to GR&DEAL, LLC, a Nevada limited liability

Jade and Tenley V. Miller, husband and wife as Joint Tenants (an und. 1/2 int.) to J & M PI, LLC. a Nevada Ilmited liability company

06/04/04

#322342

#322341 #282766

06/04/04

undivided 1/2 interest and Jade & Tenley V. Miller, husband and wife as Joint Tenants, an undivided 1/2 interest

Parcel Map for Weaver Properties, L.L.C.

04/23/99

#232837

09/18/02

C) 801 DESCRIPTION

DESCRIPTION

Joint Tenant

Cora G. Sayre, Jr. & Mark Arrighti, Successor Trustees to Gora Sayre, deceased, to William M. Jr. & Rosenary F. Weaver, Trustees of the William Trustees of the William M. Jr. & Rosenary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement.

Parcel Map of Portions of Sec. 22, & 27; T 11 N - R 23 E.

Parcel Map of Portion of Sec. 22, & 27; T 11 N - R 23 E.

Changary I ha Adjustment of Sec. 22, & 27; T 11 N - R 23 E. for William M. Weaver, I rustees of the William M. Weaver, Jr. Trust. 05/09/05108.280 28 218.860 Boundary Line Agustment for whitem in weaver, Jr. a novement of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver & Rosemary Parcel Map of Portion of Sec. 22, £ 27, ₹ 44 M. P. 23 E. for William M. Weaver & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust. William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Weaver Properties, L.L.C., a Weaver Properties, L.L.C., a Nevada Limitied Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried 10-331-34 Colony 297-A 2556 10/15/02 - Transferred from card #56136 - Weaver Properties 02/11/04 - Assigned new APN by County 06/17/04 - Transferred from card #19776, Gilbert & Miller 06/17/04 - Transferred from card #18776 - Gilbert & J&M PI, LLC Lyon County No. Von Wtr Rt. Acres Acre Feet Storage Water Rt. Acres TOTAL ACRES Boundary Line Adjustment for William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust. Index No. Claim No. User # Ditch CLAIM\* 8 BRIDGEPORT RES ACRE FEET 218.86 COMMENTS TOPAZ RES ACRE FEET YERINGTON, NEVADA 218,86 APPORTIONED O. & M. Local No. 1 ACRE FEET 218.852 100,011 TOTAL ACRE FEET REQUIRED Nevada Limited Liability Company. 2.0502 PER ACRE STORAGE \* DAYS ₽UT 4.27RS Gardnerville, NV 89410 ACRES 108.280 106 280 1320 Highway 395N 11/09/62 08/22/97 12/09/97 07/30/87 12/09/97 02/11/98 DATE 2/27/96 03/27/97 12/19/97 GR8DEAL, LLC Parcel 1-A of PM 232837 C.F.S Exhibit 65 Pr. NE 1/4, Sec. 27, T 11 N, R 23 E. LEGAL DESCRIPTION DOCUMENT HISTORY: Court Decree OCUMENT # PRIORITY TOTAL #201089 Address #109226 #209100 #212989 #213378 #46-289 #215183 NEWL #203640 #212988 Name: Card #:

**ITION DISTRICT** 

WALKER RIVER IF

Division #:

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 228 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Signature

Tech Glassisus M

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been rought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 229 of 383

1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	VS.	) )
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.
12	<ol><li>I am filing this document with the District</li></ol>	ict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of π	ny Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Ameri United States Department of Justice	
20	Environment & Natural Resources Divi P.O. Box 756	SIOII
21	Littleton, Colorado 80160	ing) will retain all defenses or objections
22	to the lawsuit or to the jurisdiction or venue of the cou	
23		
24	in the Notice in Lieu of Summons or in the service of t	
25	5. If I (or the entity on whose behalf I am acti	
26	me in these proceedings, I identify that attorney below	v, along will his of her maning address,
27	telephone number, and facsimile number:	
28		_
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 230 of 383

1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
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9		(Signature)
10		= lalashira
11		(Printed or typed Name)
12		(Cambon of types )
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		X TO BOX 302 Wellington
17		(Address)
18		775-4659612
19		(Telephone number)
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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 231 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the wasver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

1		
2	FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA, )	
4	Plaintiff. )	
5	WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C	-125
6		
7		_
8	· · · · · · · · · · · · · · · · · · ·	
9	- 11	
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this sub-proceeding in this case.	
12		frace:
13	3	ness.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	1	
16	3. In the envelope provided for return of my Waiver of Service of Notice	e in Lieu o
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses o	r objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based	on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summor	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney	to represent
26	me in these proceedings, I identify that attorney below, along with his or her maili	ng address,
27	telephone number, and facsimile number:	
28		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 233 of 383 Attorney: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## .Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 234 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3- 27-05

Signature

Chery L. Gorginet

Printed/Typea Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver for in, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1			
2		IN THE UNITED STATES DIFFER THE DISTRICT O	STRICT COURT F NEVADA
3	UNITED ST.	ATES OF AMERICA,	
4		Plaintiff,	
5	WALKER R	IVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		) )
8	WALKER R a corporation	IVER IRRIGATION DISTRICT:	) ) )
10		NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this sub	p-proceeding in this case.
12	2.	I am filing this document with the Distr	ict Court at the following address:
٤٦		Chief Deputy Clerk	
14		United States District Court for the District of Nevada	
15		400 South Virginia Street, State 301 Reno, Nevada 89501	
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17	Summons, I	am mailing a copy of this document to:	
18		Susan L. Schneider	
19		Attorney for the United States of Ameri United States Department of Justice	
20		Environment & Natural Resources Divi P.O. Box 756	31011
21		Littleton, Colorado 80160	sing) will retain all defenses or objections
22	4.	·	ting) will retain all defenses or objections
23	11	it or to the jurisdiction or venue of the cou	
24		e in Lieu of Summons or in the service of	
25	5	,	
26	me in these	proceedings, I identify that attorney below	w, along with his or her mailing address,
27	telephone n	umber, and facsimile number:	
28			
	NOTIC	E OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 236 of 383

1	Attorney:	
2		•
3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Charl I Sf
9		(Signature)
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11		Cheal L Goffinet
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		12 Tingle-
27		
18		(Address) 775- 443-2311
19		(Telephone number)
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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 237 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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Date: 3-12-05

Signature

Lonnie

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA, 4 Plaintiff. 5 IN EOUTTY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 16 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 30% 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu o 3. Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3: 73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 239 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) 1.3 (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 240 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Signature

ANGELO GROSO
Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 241 of 383

1		
2	IN THE UNITED STATES DEFINED FOR THE DISTRICT OF	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff,	) )
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	VS.	) )
8	WALKER RIVER IRRIGATION DISTRICT. a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
12	The state of the s	a proceeding in this case
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with the Distr	let Court at the following address.
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
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19	Attorney for the United States of Art.en United States Department of Justice	ca
20	Environment & Natural Resources Divi P.O. Box 756	sion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf "am ac	ting) will retain all defenses or objections
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27	telephone number, and facsimile number:	
28		

### Case 3:7\$-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 242 of 383 Attorney: Address: Phone Number: Fax Number: angels Grose (Signature) ANGELO GROSO (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) P. O. Box 14 Wellington, NV 89444 (Address) 775 - 465-2377 (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 243 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America O:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2-14-25

Maxine J. Groso

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: <u>Trustee</u> of

The Ernest & Maxine Jo 2000 Family Trust Agreement

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with of appearance and intent to participate.

Mail to: When Recor

Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 244 of 383 MAXINE JO GROSO

P.O. Box 317

Wellington, NV 89444

## GRANT, BARGAIN AND SALE DEED

THIS INDENTURE made this 8 day of June, 2000, by and between MAXINE JO GROSO, Individually and MAXINE JO GROSO, as Guardian of the Person and Estate of ERNEST GROSO, as husband and wife, joint tenants with right of survivorship, of Lyon County, Nevada, "GRANTORS", and MAXINE JO GROSO, as Trustee of the ERNEST GROSO and MAXINE JO GROSO 2000 FAMILY TRUST AGREEMENT, dated June 8, 2000, "GRANTEE";

## WITNESSET H:

That the Grantors, do by these presents grant, bargain, sell and convey unto the Grantees and to their successors and assigns, without consideration, all right, title and interest in that certain real property situate in Lyon County, State of Nevada, and more particularly described as follows, to wit:

All the real property residence in Wellington, situate in the County of Lyon, State of Nevada, more particularly described as follows:

 $p_{AB} = 1$ 

Case 3:73-cv-00127-RCJ-WGCnDotument 650 Filed 05/09765 Page 245 of 383 the Northeast 1/4 of the Southwest 1/4 of Section 45 of 383 2, Township 10 North, Range 23 East, M.D.B.&M., at Wellington, Smith Valley, Lyon County, Nevada, more particularly described as follows:

COMMENCING at the 1/16th section corner which bears North 1323.40 feet, from the South 1/4 corner of said Section 2, proceeding North 19038'22" East 494.23 feet, to a point on the Westerly right of way line of Nevada State Highway Route 3, where said right of way line is intersected by the property line between the Groso Property (Post Office) and the Compston Property; proceed thence along said property line, South 48°34' West, 278.00 feet, to the true point of beginning, which is the most easterly corner of this parcel; proceed thence South 48034' West 106.00 feet, to a point on the North bank of the Plymouth Ditch; thence North 78°55' West, 128.00 feet, along said ditch bank, to a point, thence North 41004' West 135.96 feet, to a point on the Southerly line of a 36 foot wide easement for road and utilities, thence along said Southerly easement line, North 78047' East 128.67 feet, to a point; thence continuing along said Southerly line, South 70047' East, 80.00 feet, to a point; thence South 40°32'20" East, 142.55 feet, along the boundary between this pricel and the Groso property (Post Office) to the true point of beginning.

#### And:

All that real property situate in the County of Lyon, State of Nevada, described as follows:

### PARCEL 4:

Commencing at Monument No. 1 which is located 59.90 feet North of the northwest corner of the SW1/4 of the SE1/4 of Section 2, Township 10 North, Range 23 East, M.D.B.&M.; thence South 41°26' East 285.00 feet; thence South 48°34' West 30.00 feet to the true point of beginning for the description of this parcel of land; thence South 48°34' West 384 feet to a point on the north hank

Case 3:73-cv-004271-Rout WCOPPOCUMENT 650 Filed 10ng the north bank of said ditch North 78-519-04-25 Cf feet to a two inch iron pipe in the north bank of said ditch; thence north 41004' West 584.60 feet. to an iron pin in the south bank of the Burbank Ditch; thence North 73010' East 109.8 feet to an iron pin in the south bank of the Burbank Ditch; thence North 89°10' East 164.60 Feet to a point on the south bank of the Burbank Ditch; thence South 80049' East 168.80 feet to a pin in the south bank of the Burbank Ditch; thence North 70°54' East 74.30 feet to a point on the south bank of the Burbank Ditch, thence North 63000' East 57.00 feet to the westerly side of the highway; thence south 41026' Bast 362.00 feet along the westerly side of the highway to the true point of beginning.

#### And:

All that real property situate in the County of Lyon, State of Nevada described as follows: (Known as the Commercial Bldg./Equipment lot)

Beginning at the southeast corner of the parcel on the westerly side of the State Highway right of way, said point of beginning being described as bearing North 5035' East 585.23 feet from the established one-sixteenth corner, designated as the southeast corner of the NEI/4 of the SW1/2 of said Section 2, said one-sixteenth corner, a rock mound, being North a distance of 1323.40 feet from the south one-quarter corner of Section 2, Township 10 North, Range 23 East, M.D.B.&M.; thence from the point of beginning South 50°59' West 244 feet to a point which is 5 feet southerly from the southwest corner of the socalled Hoye Store Building; thence South 70047' West 95 feet to the southwest corner of the parcel; thence North 4052' West 275 feet to a point on the south bank of the Burbank Ditch and the northwest corner of the parcel; thence North 78042' East 49.60 feet to a fence corner at the morthwest corner of the Werner lot; thence South 42003' East along the fence line 97 feet to the fence corner; thence North 43030' East along the tence line is feet; more or less, to the State

Case 3:73-cy=00427=2001-WGC Document South 140 East along said right of way 83:31 of the right of way thence South 42025 East along said right of way 62 feet to the point of beginning.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the remainder and remainders, reversion and reversions, rents, issues and profits thereof.

TOGETHER WITH the appurtenances and all the estate and rights of the Grantors in and to said premises.

IN WITNESS WHEREOF, the Grantors have executed this deed the

MAXINE JG GROSQ Individually

Level Level

MAXINE JO GROSO, Guardian of the

Person and Estate of

ERNEST GROSO

STATE OF NEVADA

88.

COUNTY OF WASHOE

BARBARA KAY REESE

PARTY Public, State of Levade

Consistency No. 92-1551-2

Party Capiros Oct. 15, 2000

NOTARY PUBLIC in and for said County and State.

- 10 July -

249667

OFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD FEQUESTED BY

HENRY W. CAVALLERO

00 JUN 29 AH 11: 38

MARY C. HILLIGAH COUNTY RECORDER

FEE (100 DEP. 28

## FILED

1	T T T T T T T T T T T T T T T T T T T
Gas	ea3-73-cv-0016274RCJ-WGC Document 650 Filed 05/09/05 Page 249 of 3
2	Dept. No.: II 00 MAY 15 A 9: 37
3	NIKKI A. BRYAN LYON COUNTY CLERK
4	KAREN DINI
5	DEPUTY
6	IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7	IN AND FOR THE COUNTY OF LYON
8	
9	IN THE MATTER OF THE  GUARDIANSHIP OF  GUARDIAN OF THE PERSON AND
10	STATE AND FOR INSTRUCTIONS
11	ERNEST GROSO,
12	An Adult Ward.
13	THIS MATTER came before the Court this date upon the
1.4	verified Petition of MAXINE JO GROSO, by and through her
15	■ AF
16	
17	$\cdot$ ,
18	
19	
20	
2	
2	and the state of t
2	
2	3. It is in the Ward's best interest that a Guardian of
2	the Person and Estate be appointed.
2	4. That MAXINE JO GROSO, should be authorized, as Guardi
2	of the Person and Estate of ERNEST GROSO, to executed a Marital

249671

1 Case 3:7 2	volution Trust. The total value of the Trust Estate is 3-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 250 of the federal estategrax levels
3	THEREFORE, based upon the foregoing, IT IS HEREBY
4	ORDERED as follows:
5	1. That MAXINE JO GROSO is appointed Guardian of the
6	Person and Estate of ERNEST GROSO.
7	2. That the Clerk of the Court shall issue Letters of
8	Guardianship to MAXINE JO GROSO as Guardian of the Person a
9	Estate of ERNEST GROSO, upon her posting a bond in the sum (
10	\$ <u> </u>
11	3. That the Guardian, MAXINE JO GROSO, is hereby
12	authorized to execute the Marital Deduction Trust set forth
13	Exhibit "C" to the Petition on file herein, on behalf of the
14	Ward, and is authorized to execute any conveyances, assignment
15	or other documents to fund the trust for ERNEST GROSO.
16	4. That the Guardian shall exercise her responsibili
17	as Guardian of the Person, so that ERNEST GROSO is allowed
18	live in the least restrictive environment.
19	5 That the Guardian is not to be not held personal
20	liable for the financial obligations of the Ward's care
21.	DATED this 15th day of hay, 2000.
22	
23	CERTIFIED COPY DISTRICT JUDGE
24	The document to which this cartificate is attached is a full, true and correct copy of the
25	original on file and of record in my office
26	DATE: 5-6-00 1 kg A. Bryan, Gounty Gigt 1911 Click of
27	- North Angle Common Court On that DIRIN
28	Ex Xuenhein
	Deputy

Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 251 of 383

249671

OFFICIAL RECORDS LYON COUNTY, HEV. RECORD REQUESTED BY

HENRY W. CAVALLERS 00 JUN 29 AM 11: 48

MARY C. HILLIGAN COUNTY RECORDER

11E 0 00 0EP. 28

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 252 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIL TE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/17/05

Signature Joyesa

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 253 of 383

-			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.		
4	Plaintiff,		
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	VS.		
9	WALKER RIVER IRRIGATION DISTRICT, a comporation, et al.,	) )	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	-proceeding in this case.	
12	2. I am filing this document with the Distri	ict Court at the following address:	
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider Attorney for the United States of Arneri	ra	
19	United States Department of Justice Environment & Natural Resources Divi		
20	P.O. Box 756 Littleton, Colorado 80160		
21		ing) will retain all defenses or objection	
22	4. I (or the entity on whose behalf I arra acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defeat		
23	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
24	* ver (		
25	me in these proceedings, I identify that attorney below, along with his or her mailing address		
26			
27	telephone number, and facsimile number:		
28		1 of 2	
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 O1 2	

### Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 283/ Hu/208 2831 WELL 1 46-4011 (Address) 775-465-906 (Telephone number)

Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 254 of 383

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 255 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMIMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER, PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Signature Date: 3-23-05 Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: Trustee of (Title)
Hall Family Trust
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beau the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified or, the waiver form, provide the court and DOJ attorney S. Schneider wi a notice of appearance and intent to participate.

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 256 of 383

	April 1500 Bar.		
1 2		IN THE UNITED STATES FOR THE DISTRIC	S DISTRICT COURT I OF NEVADA
3	INI	TED STATES OF AMERICA.	)
4		Plaintiff.	) IN EQUITY NO. C-125
5	WA.	LKER RIVER PAIUTE TRIBE,	SUBFILE NO. C-125-B
6		Plaintiff-Intervenor,	) SOBIELLIO
7		vs.	
8	WA	ALKER RIVER IRRIGATION DISTRICT, orporation, et al.,	) ) DARTICIPATE
9 10		NOTICE OF APPEARANCE AN	D INTENT TO PARTICIAL
11	,	1. I hereby enter my appearance in the	nis sub-proceeding in this case.
1.	ı	1. I hereby enter my appearant with the	E District Court at the following address:
1	٦	Clark	
1	1	Chief Deputy Clerk United States District Court for t District of Nevada	he 201
1	.5	400 South Virginia Street, Julia	Service of Notice in Lieu of
1	.6	<ol> <li>In the envelope provided for retu</li> </ol>	un of my Waiver of Service of Notice in Lieu of
3	.7 S	ummons. I am mailing a copy of this docume	10 lo:
•	3	Susan L. Schneider Attorney for the United States of the Department of the	f America
	19	United States Department of Ju Environment & Natural Resour	stice ces Division
	20	P.O. Box /30	
	21	t abolt	If am acting) will retain all defenses or objections
	22	the servenile 0	f the court except for objections
	23	- uha C C	PARTICIPATION CONTRACTOR CONTRACT
	- 11	1 h-ball	T : XIII ACMIE : -
	25	5 • If I (or the entity on whose of	ney below, along with his or her mailing address
	26	me in these proceedings, I identify that the	•
	27	telephone number, and facsimile number:	
	28		TO PARTICIPATE, page 1 of 2
		OF APPEARANCE AND INTENT	TO PARILLE

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 257 of 383

3:13-CV	-00127-RCJ-WGC Docun	nent 650 Filed 05/09/05 Page 257 of 383
1	Attorney:	
2	Address:	
4	· ·	
5	Phone Number:	
7	Fax Number:	Debra Gilmore
8		(Signature)
9		Debra Gilmore
10 11		(Printed or typed Name)
12		CHUENTON
13		Trustee of Hall Family Trus (Entity, if any, on whose
14 15		behalf you are appearing)
16		4 Cottonwood Ln Verington NV 89447
17		(Address) 775-463-2757
18		(Telephone number)
19		
20		
21	•	
23		
24		
25	<b>.</b>	
26		
27		
28	DEFENCE AN	D ENTENT TO PARTICIPATE, page 2 of 2

Case 3:73-cv-00127-RCJ-WGC Document 650 Files 9/05 Page 258 of 383

A.P.N. 04-401-06

Escrow No.: LY-302812-DA RPTT \$95.55, based on full value

RECORDING REQUESTED BY:

Northern Nevada Title Company

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO:

Kim K. Cox

P.O. Box 234

Yerington, NV 8944?

RECORD REBUESTED BY NORTHERN NEVADA TITLE CO. 03 OCT 10 PH 4: 22

THIS SPACE FOR RECORDER'S USE ONLY

## GRANT, BARGAIN, SALE DEED

That Philip Colin Hanifan and Carol Anne Hanifan, Trustees of The Hanifan Living Trust dated April 8, 2002 in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Kim K. Cox, an Unmarried Woman and Gene G. Zieman, an Unmarried Man as Joint Tenants with Right of Survivorship all that real property in the County of Lyon, State of Nevada, bounded and described as follows:

Lot 12 as shown on the map for WALKER RIVER RANCH, recorded in the Official Records of Lyon County, Nevada on June 5, 1972 as Document No. 10568. 500

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANT TO THE HEREIN DESCRIBED PROPERTY.

Together with all singular the tenements, hereditaments and appurenances thereunto belonging or in anywise appertaining.

Dated: October 8, 2003

Hanifan Living Trust dated April 8, 2002

By: Coul Conne Hamifan, Trustee

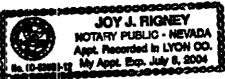
By Carol Artine Hamifan, Trustee:

306121

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 259 of 383

STATE OF NEVADA	)	
COUNTY OF LY	<u>in</u> )	
On_ 10-10-C	opersonally appeared before me, a Notary  Colin Hanifan Trustee  Anne Hanifan Trustee	na rente La partir P La rente della
		1 Br cr

who acknowledged that + help executed the above instrument.



## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 261 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections based on a defect in the Notice in Lieu of Court except for objections because the court except for objections and the notice in Lieu of Court except for objections based on the lieu of Court except for objections and the lieu of Court except for objections because the lieu of Court except for objections because the lieu of Court except for objections and the lieu of Court except for objections because the lieu objection of the lieu objection for objection because the lieu objection of the lieu objection of the lieu objection of the lieu objection of the lieu objection objection of the lie

Date: Hug 2 - 200 Signature

Signature

Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

Of Title

Of The Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 262 of 383

Recording Requested by And Return to:

Walker River Irrigation District P. O. Box 820 Yerington, NV 89447

RPTT#3

#### WATER RIGHTS DEED

THIS INDENTURE, is made this 2/5th day of 100 y ..., 2002, by and between KENNETH V. HANSEN ("Grantor") and the WALKER RIVER IRRIGATION DISTRICT (the "Grantee") as follows:

#### WITNESSETH:

WHEREAS, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it acknowledged, does hereby GRANT, BARGAIN and SELL to Grantee and to its successors and assigns forever in accordance with the terms set forth in that certain WATER RIGHTS ASSESSMENT AGREEMENT entered into by Grantor and Grantee dated MAY 2/2002 and recorded in the Official Records of Lyon County as Document No. 377853, all water rights, ditch or conveyance rights and all storage rights of any nature whatsoever, appurtenant to the real property situate in the County of Lyon, State of Nevada and described as follows:

See Exhibit "A" attached hereto and made a part hereof.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainder and remainders, rents, issues and profits thereof.

IN WITNESS WHEREOF, Grantor has executed these presents the day and year first above written.

KENNETH V. HANSEN

STATE OF NEVADA

COUNTY OF

This instrument was acknowledged before me on  $m_{\ell}$ 

LEAH COMPSTON

Notary Public - State of Nevada

Appointment Recorded in Lyon County

No: 93-3029-12 - Expires April 5, 2005

2002 by Kenneth V. Hansen

NOTARY PUBLIC

(My Commission Expires: 4

277854

1. ral 1.8

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 263 of 383

EXHIBIT 'A'

All that real property in the County of Lyon, State of Nevada, being Assessor's Parcel Number 10-331-08, more particularly described as follows:

#### Parcel One:

Being all that certain piece or parcel of land lying in a portion of the NW ¼ of the SE ¼ of Section 27, Township 11 North, Range 23 East, M.D.B.&M., in Smith Valley, Lyon County, Nevada, and more particularly described by metes and bounds as follows, to wit:

From the established and recognized monument (into pin in mound of rocks) in the center of the said Section 27 and which bears South 0° 31' East 2638.44 feet from the North one-quarter comer of said Section; thence South 0° 31' East, 582,50 feet to the true point of beginning at the northwest comer of the parcel; thence North 89° 56' East 576.00 feet to a point at the northeast comer of the parcel and in the so-called Colony Ditch; thence following along said ditch South 25° 07' East, 200.00 feet to a point; thence South 20° 53' 30" East 163.90 feet to a point at the southeast comer of the parcel; thence leaving said ditch South 89° 56' West 716.00 feet to a point at the southwest comer of the parcel; thence North 0° 31' West 334.50 feet to the point of beginning.

#### Parcel Two

Being a portion of the SE ¼ of Section 27, Township 11 North, Range 23 East, M.D.B.&M., and more particularly described as follows:

Commencing at the established and recognized monument (iron pin in mound of rocks) in the center of said Section 27 and which bears \$.0° 31' E. 2638.44 feet from the N. ¼ corner of said Section 27; thence S. 0° 31' E. 917.00 feet to the True Point of Beginning; said Pont of Beginning being the Southwest corner of that certain parcel of land described in Deed recorded January 17, 1964 in Book 46, Page 414 of Deeds as File No. 87934; thence S. 0° 31' E. 61 feet; thence N. 89° 56' East 716.00 feet; thence N. 0° 31' W. 61 feet to the Southeast corner of the aforementioned land recorded in Book 46, Page 414; thence S. 89° 56' W. 716.00 feet to the True Point of beginning.

Per NRS 111.312, the legal description appeared previously in Deed #264630 recorded on August 14, 2001 in Lyon County Records.

277854

UFFICIAL RECORDS
LYON COUNTY, NEV.
RECORD REQUESTED BY
L. T.D.

02 JUN -5 PM 1:59

HARY C. HILLIGAN
COUNTY RECORDER
FEELS DEP. C. N.

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/พระเมื่อเลือง 64 of 383

APN: 012-411-01 012-421-03

WHEN RECORDED MAIL TO: MAIL TAX STATEMENTS TO: Doug Champlin P.O. Box 31450 Mesa, AZ 85275-1450 Lyon County Recorder

04 FEB 13 AM 10: 25

HARY S. ELLIGAN COUNTY RECORDER

FEE \_\_\_\_\_ DEP. \_\_\_\_

313868

### GRANT, BARGAIN AND SALE DEED

THIS GRANT, BARGAIN AND SALE DEED is made and entered into this 5th day of FEBRUARY, 2004, between JOHN R. HARRIS and CAROL C. HARRIS, husband and wife, ("Granter") and 5 C'S COTTONWOOD RANCH, LLC A NEVADA LIMITED LIABILITY COMPANY ("Grantee").

### WITNESSETH:

THAT THE SAID GRANTORS, for and in consideration of the sum of One Dollar (\$1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, hereby grant, bargain, sell and convey unto Grantees and to their heirs, successors and assigns forever, all of the following described lot, piece or parcel of land, situate, lying and being in the State of Nevada, Lyon County, described as follows: (SEE EXHIBIT "A" ATTACHED AND MADE A PART THERECE)

TOGETHER WITH, all water rights, of any legal kind or nature, including these more fully described as a portion of Claim No. 163 of the action entitled U.S.A. v. Walker River Irrigation District, in the United States District Court for the District of Nevada, Case No. C-125, together with all stored water appurtenant to the real property described herein. References made to Walker River Irrigation District Index Card No. 22850.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TOGETHER WITH, all water and water rights, ditch and ditch rights, well and well rights with the appurtenances, unto the said Grantee, and to its successors and assigns forever.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 265 of 383

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto executed this Grant, Bargain and Sale Deed the day and year first above written.

Bargain and Sale Deed the day and year first above written.		
By: John R Havris		
JOHNR HARRIS  By: Mar		
SUZANNE CHEECHOV		
STATE OF		
COUNTY OF Or Oracles : SS. Ho: 149-36458-5		
This instrument was acknowledged before me on the 5th day of Feb., 2004 by John R. Harris and Carol C. Huris.		
Motary Public		
STATE OF		
COUNTY OF)		
This instrument was acknowledged before me on the day of		
Notary Public		

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of LYON COUNTY, described as follows:

#### PARCEL 1:

PARCEL 3 OF THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER, LYON COUNTY, NEVADA ON MAY 19, 1980 AS DOCUMENT NO. 53399, LYON COUNTY OFFICIAL RECORDS.

ASSESSORS PARCEL NO. 12-421-03

#### PARCEL 2:

PARCEL 1 OF THAT CERTAIN PARCEL MAP FILED FOR RECORDED IN THE OFFICE OF THE COUNTY RECORDER, LYON COUNTY, NEVADA ON FEBRUARY 23, 1981 AS DOCUMENT NO. 60379, LYON, COUNTY OFFICIAL RECORDS

ASSESSORS PARCEL NO. 12-411-01

TOGETHER WITH ALL WATER, WATER RIGHTS, DITCH AND DITCH RIGHTS.

**10N DISTRICT** WALKER RIVER IRR

YERINGTON, ... VADA

Division #:

Card #:

Name:

Five (5) C's Cottonwood Ranch, LLC

Mesa, AZ 85275-1450 P. O. Box 31450

Address:

C-125, P.Wilson, Lillie

Court Decree:

PROVISIONAL

Lee Sanders

12-421-03 Pt. of 163 667

Lyon County No.

Claim No. User # Ditch

ndex No.

300.32/1 190.179 250.930 J-WGC Document 650 Filed 05/09/05 Page 267 of 383 49.420 Non Wir Rt. Acres Acre Feet Storage Water Mt. Acres TOTAL ACRES CLAIM # 183 163 163 53 163 163 163 163 163 163 163 ŝ TOPAZ RES. BRIDGEPORT RES. ACRE FEET COMMENTA 100.15 ACRE FEET ACRE FEET APPORTIONED 900 45.880 190.110 000 000 000 000 000 . 000. .720 4.270 1.310 8.050 3.050 126.830 TOTAL ACRE FEET REQUIRED 1.0771 1.5444 .3485 597 9504 2.0592 2534 PER ACRE STORAGE **=** 22 2 4 8 8 œ DAYS 4.2768 4.2768 4.2768 3.2076 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 4.2768 ₹ T 4.2768 4.2768 4.2768 43.310 2.830 12.240 1.880 8.470 2.830 61.590 29.710 49,420 300.320 5.650 7.530 54.140 5,650 5.650 ACRES 9.420 .045 .030 2.552 693 120 998 196 060 060 060 138 045 C.F.S. ויבוז אים מבספונו זוסאו PRIORITY NEWL NEWL EXCL 1868 1869 1872 1875 1877 1879 1890 1903 1862 1863 1864 1861

4/2/04 - Transferred from card #22850 - J & C Harris Contented excluded acreage

> Fr. NW 1/4, Fr. NW 1/4 of SW 1/4Sec. 3; S 1/2 of NE 1/4, Fr. SE 1/4, SE 1/4 of NE 1/4, Sec. 4; Fr. W 1/2, Fr. N 1/2 of NE 1/4, Sec. 9; T 11 N . R 25 E

78

WRID 06/30/04

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 268 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-17-05

Lema F. Heinerman

LEONA THEIMERMAN

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Surviving trustee of

John/Leona Heimerman Family Trust (Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in eu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified or the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 269 of 383

3			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	<b>)</b>	
4	Plaintiff,	<i>)</i>	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6 7	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
8	vs.	) }	
9	WALKER RIVER IRRIGATION DISTRICT,	) ) )	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this sub	tin_im this area	
12	<ol> <li>I hereby enter my appearance in this sub</li> <li>I am filing this document with the Distriction</li> </ol>	•	
13	Chief Deputy Clerk	ict Court at the following address.	
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of m	v Waiver of Service of Notice in Lieu c	
17	Summons. I am mailing a copy of this document to:		
13	Susan L. Schneider		
19	Attorney for the United States of Americ United States Department of Justice	ca	
20	Environment & Natural Resources Divis P.O. Box 756	ion	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defea		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am actin	g) have retained an attorney to represen:	
26	me in these proceedings, I identify that attorney below, along with his or her mailing address		
7	telephone number, and facsimile number:		
8			
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	EXPATE, page 1 of 2	

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 270 of 383 Attorney: Address: Phone Number: Fax Number: Lema n. Heimin (Signature) (Printed or typed Name) surviving Truster (Entity, if any, on whose behalf you are appearing) (Address (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 271 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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, 1	TES CENTER OF THE PROPERTY OF	
( Date: 3/01/05	Signature  Signature  Signature	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the valver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 272 of 383

-		
2	IN THE UNITED STATES DEFOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	
15	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	<b>}</b>
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
12	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.
2	2. I am filing this document with the Distr	
13	Chief Deputy Clerk United States District Court for the	
14	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16		ny Waiver of Service of Notice in Lieu or
17	Summons. I am mailing a copy of this document to	
13	Susan L. Schneider Attorney for the United States of Ameri	са
19	United States Department of Justice Environment & Natural Resources Division	
20	P.O. Box 756 Littleton, Colorado 80160	
21		ting) will retain all defenses or objections
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect	
23		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent	
25	me in these proceedings. I identify that attorney below, along with his or her mailing address.	
27	telephone number, and facsimile number:	
28		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 273 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 164 LOWER COLONY DO X WELLINGTON (Address) 775 465 02347 (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 274 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3 /17/05	Signature Rurt w. Herrin	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	-
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu o 3. 17 Summons, I am mailing a copy of this document to 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I arn acting) will retain all defenses or objection: 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings, I identify that attorney below, along with his or her mailing address 26 telephone number, and facsimile number: 27 28

## Case 3:78-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 276 of 383

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1	Attorney:	
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3	Address:	
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9		(Signature)
10		Kurt W. Hervin
11		(Printed or typed Name)
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14		(Entity, if any, on whose
15		behalf you are appearing)
16		11 Norton Ln
17		wellington, NV 8944
18		(Address) 775 - 465 - 1163
19		(Telephone number)
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#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

- 22 10 00-	Potricia d. Hervin	
Date: 3-18-05	Signature PATRICIA L. HERVIN	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	ı are
	acting as:	_ of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,	)	
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.	)	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) }	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11			
12	1. I hereby enter my appearance in this su	•	
13	2. I am filing this document with the Dist	rict Court at the following address:	
14	Chief Deputy Clerk United States District Court for the		
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16 17	3. In the envelope provided for return cf r	my Waiver of Service of Notice in Lieu o	
	Summons. I am mailing a copy of this document to:		
18	Susan L. Schneider Attornev for the United States of Amer	ion	
19 20	United States Department of Justice Environment & Natural Resources Division		
	P.O. Box 756 Littleton, Colorado 80160		
21		ting) will retain all defenses or objections	
22	to the lawsuit or to the jurisdiction or venue of the cou		
23	•	-	
24	in the Notice in Lieu of Summons or in the service of		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent		
26	me in these proceedings, I identify that attorney below, along with his or her mailing address		
27	telephone number, and facsimile number:		
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# Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 279 of 383

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1	Attorney:	
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3	Address:	
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6	Phone Number:	
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8		Coatricia L Herrin
9		(Signature)
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11		PATRICIA LIHERVIN
12		(Printed or typed Name)
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15		(Entity, if any, on whose behalf you are appearing)
16		11 NORTON LN.
17		WEILINGTON, NV. 8944
18		(Address) (775) 465 1163
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### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 280 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a comoration, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu o 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 28

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 282 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) Reiko Hervin (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 11 Norton Lane (Address) 465-1163 (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 283 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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or to the jurisdiction or venue of the Court except for objections based	on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	í

Date: 3/17/05

Signature

Betty Roxann

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	) )	
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7	vs.		
8 9	WALKER RIVER IRRIGATION DISTRICT: a corporation, et al.,	) ) )	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE	
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13		ct Court at the following address.	
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16 17	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu	
	Summons, I am mailing a copy of this document to:		
19 19	Susan L. Schneider Attorney for the United States of Americ	a	
20	United States Department of Justice Environment & Natural Resources Divis		
21	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am actir	ng) will retain all defenses or objectic	
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defi	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
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Case 3:/3	TCV-00127-RCJ-WGC Document	650 Filed 05/09/05 Page 285 of 3
1	Attorney:	
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6	Phone Number:	
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9		(Signature)
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11		B. Roxann Hill
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
		P.O. Box 825
16		
16 17		Yerington nv 8941
,j		(Address) 775-463-3243
17		(Address)
17 18 19 20		(Address) 775-463-3243
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17 18 19 20 21 22 23 24		(Address) 775-463-3243
17 18 19 20 21 22 23 24 25		(Address) 775-463-3243

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 286 of 383

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3/17/05

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lie Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asket a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneide a notice of appearance and intent to participate. Exhibit 85

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 of 383

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2	••·	IN THE UNITED ST FOR THE DIS	TATES DIS	TRICT COURT NEVADA
11	r ~ITE	D STATES OF AMERICA.	)	
4		Plaintiff.	Ì	IN EQUITY NO. C-125
5	33 · A ! K	KER RIVER PAILTE TRIBE.	Ź	SUBFILE NO. C-125-B
6	VV	Plaintiff-Intervenor.	, ,	
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9	а соп	KER RIVER IRRIGITATION OF APPEARANT	CE AND IN	TENT TO PARTICIPALE
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11	-	1. I hereby enter my appeara	nce in this su	is Court at the following address:
12	2	2. I am filing this document	with the Dist	rict Court at the following address:
1.3	3 ∥	Chief Deputy Clerk United States District Co		
1	4	District of Nevada	t. Suite 301	
1	5	Reno, Nevada 89501		s - Waiver of Service of Notice in Lieu
1	.6	<ol> <li>In the envelope provided</li> </ol>	l for return of	f my Waiver of Service of Notice in Lieu
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	:3   34	Susan L. Schneider	States of An	nerica
	19	Attorney for the United United States Department & Natura	int of Justice I Resources I	Division
	20	Environment &		
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	25	5. If I (or the entity on who	Je attorney	below, along with his or her mailing ad
	26	me in these proceedings, I identify	mat attorney	below, along with his or her mailing ad
	27	telephone number, and facsimile nu	mber:	
	28			PARTICIPATE, page 1 of 2
	<b>4</b> - 1	NOTICE OF APPEARANCE AND	) CHECKY TO	PARTICIPATE, page 1 of 2

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 288 of 383 Attorney: Address: Phone Number: Fax Number: (Entity, if any, on whose behalf you are appearing) (Telephone number) NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2 2 B

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed To Walver of Service of NOTICE IN LIEU OF SUMMONS Page 289 of 383

Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in TO: the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 4-4-05

P. Hunewill . Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Fuster

(Corporate, Trust, Partnership or other entity)

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of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 290 of 383 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA UNITED STATES OF AMERICA. 3 IN EQUITY NO. C-125 4 Plaintiff. WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B -Plaintiff-Intervenor, £ 7 ٧5. WALKER RIVER IRRIGATION DISTRICT. 3 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE a corporation, et al., 9 10 I hereby enter my appearance in this sub-proceeding in this case. I am filing this document with the District Court at the following address: 1. 2. Chief Deputy Clerk United States District Court for the District of Nevada 14 400 South Virginia Street, Suite 301 Reno. Nevada 89501 In the envelope provided for remm of my Waiver of Service of Notice in Lieu 15 16 3. Summons. I am mailing a copy of this document to: Susan L. Schneider Attorney for the United States of America 13 United States Department of Justice Environment & Natural Resources Division 19 P.O. Box 756 20 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objectio: to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represe 24 rne in these proceedings. I identify that attorney below, along with his or her mailing address 25 telephone number, and facsimile number; NOTICE OF APPEARANCE AND UNITENT TO PARTICIPATE, page 1 of 2 28

## B-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 291 of 383 Address: Phone Number: Mis Hunewill Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Telephone number)

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 292 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIDTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the warver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Mariann Deland	
Date: 3 - 18 - 05	Signature	
	MARIANN LEFLAND	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1.		
2	IN THE UNITED STATE FOR THE DISTRIC	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	) )
5	WALKER RIVER PAIUTE TRIBE.	) ) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	)
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND	INTENT TO PARTICIPATE
11 12	1. I hereby enter my appearance in thi	s sub-proceeding in this case.
۔ دا	2. I am filing this document with the I	District Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15 16	400 South Virginia Street, Suite 30 Reno, Nevada 89501	1
17	3. In the envelope provided for return	of my Waiver of Service of Notice in Lieu c
18	Summons. I am mailing a copy of this document to	0:
19	Susan L. Schneider Attorney for the United States of A	marica
20 i	United States Department of Justice Environment & Natural Resources	: •
	P.O. Box 756 Littleton, Colorado 80160	1214131011
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22	•	n acting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the	•
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25		acting) have retained an attorney to represen
26	me in these proceedings, I identify that attorney b	elow, along with his or her mailing address
27	telephone number, and facsimile number:	
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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 294 of 383

1	Attomey:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	, ,
8		Mariann Ireland
9		(Signature)
10		
11		MARIANN TRELAND
12		(Printed or typed Name)
13		
14		(Entity, if any, on whose
	;	
15		behalf you are appearing)
15 16		behalf you are appearing)  603 Hay 208
		603 Hary 208 Uprington, NV 89447
16		603 Hary 208
16 17 18		603 Hay 208 <u>Yerington</u> , NV 89447 (Address)
16 17 18 19		603 Hay 208 <u>Yerington</u> , NV 89447 (Address) 775-463-4730
16 17 18 19 20		603 Hay 208 <u>Yerington</u> , NV 89447 (Address) 775-463-4730
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16   17   18   19   20   21   22   23   24		603 Hay 208 <u>Yerington</u> , NV 89447 (Address) 775-463-4730

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 295 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schnesder, attorney for the United States of America.

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:  $\frac{3/17/05}{1}$ 

Signature

Ward

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Own of

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service to Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

# Case 3:78-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 296 of 383

2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT OF NEVADA	
3	UNITED STATES OF AMERICA.		
4	Plaintiff,	) }	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	) )	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this sul	b-proceeding in this case.	
12	2. I am filing this document with the Dist		
13	Chief Deputy Clerk		
14	United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of t	my Waiver of Service of Notice in Lieu o	
17	Summons, I am mailing a copy of this document to:		
13	Susan L. Schneider Attorney for the United States of Arner	rica	
19	United States Department of Justice Environment & Natural Resources Div		
20	P.O. Box 756 Littleton, Colorado 80160		
21	fl .	cting) will retain all defenses or objection	
22	· <b>!</b>		
23 24	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defection the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
24	5. If I (or the entity on whose behalf I are acting) have retained an attorney to represent		
25	tidensify shot attempts halo		
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∠ ¢		TICIPATE, page 1 of 2	
	NOTICE OF APPEARANCE AND INTENT 'TO FAR	eres de la fada a a a .	

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 297 of 383

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1	Attorney:	
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3	Address:	
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6	Phone Number:	
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8		CC OLLA MYCOLOMA
9		(Signature)
10		Ward Ireland
11		(Printed or typed Name)
12		<b>,</b>
13		Owner
14		(Entity, if any, on whose
15		behalf you are appearing) 603 Hwy 208
16		yerington, NJ. 89447,
17		(Address)
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19		(Telephone number)
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# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 298 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAJUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 4/4/05

Printed/Typed Name

if you are acting on behalf of any entity, identify that you are

(Title)

(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 65/09/05 Page 3:73-cv-00127-RCJ-WGC Page 3:73-cv-001

73-	cv-00127-RCJ-WGC Document 650 File	ed <del>0</del> 5/09/05 Page 299 of 383
- [	IN THE UNITED STATES DIS FOR THE DISTRICT OF	TRICT COURT
3	UNITED STATES OF AMERICA.	
-	Plaintiff.	-11 NO C 125
5	WALKER RIVER PAILTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	) vs.	
8	WALKER RIVER IRRIGATION DISTRICT.	TOTAL TE
9 0	a comporation, et al  NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPALE
- 7	this sub	-proceeding in this case.
12	<ol> <li>I hereby enter my appearance in</li> <li>I am filing this document with the District</li> </ol>	ict Court at the following addicess.
13	Chief Deputy Clerk United States District Court for the	
14	District of Nevada 400 South Virginia Street, Suite 301	
15	Reno. Nevada 89501	Service of Notice in Lieu
16	Reno. Nevada 89501  3. In the envelope provided for retturn of n	ny Waiver of Service of the
17	Summons, I am mailing a copy of this document to:	
13	Susan L. Schneider Susan L. Schneider States of Amer	ica
19	United States Department of Justice United States Department of Justice Environment & Natural Resources Div	ision
20	P.O. Box 756	
21	whose het aif I am ac	eting) will retain all defenses or objection
22	in addition or venue of the co	urt except for objections based on
23	are a service of the service of	Mic Tagues and
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23	5. If I (or the entity of whose sometimes) if I identify that attorney below the in these proceedings. I identify that attorney below.	ow, along with his or her mailing addres
2 8	me in these proceedings, I identify that another	
2	7 telephone number, and facsimile number:	
2	S NOTICE OF APPEARANCE AND INTENT TO PAR	RTICIPATE, page 1 of 2
	WOTTER OF APPEARANCE AND INTEREST TO	

Case 3:73-	cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 300 of 383
. *	Attorney
2	Address:
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21	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 2 of 2
	NOTICE OF A THE

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 301 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrumen: (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST me. AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susam L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 128,2005
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Signature O Thurburu
Printed/Typed Name  If you are acting on behalf of any entity, identify that you are of
acting as:
(Title)
him or other entity)
(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to be

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has t the cost of such service unless good cause be shown for its failure to sign and return the waiver. brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives ser the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified or the waiver form, provide the court and DOJ attorney S. Schneider a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 302 of 383 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 UNITED STATES OF AMERICA. 3 IN EQUITY NO. C-125 4 Plaintiff. WALKER RIVER PAIUTE TRIBE. SUBFILE NO. C-125-B = Plaintiff-Intervenor, E 7 VS. WALKER RIVER IRRIGATION DISTRICT. 3 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE a corporation, et al.. 9 10 I hereby enter my appearance in this sub-proceeding in this case. I am filing this document with the District Court at the following address: 11 1. 12 2. Chief Deputy Clerk 13 United States District Court for the District of Nevada 14 400 South Virginia Street, Suite 301 In the envelope provided for return of my Waiver of Service of Notice in Lieu o Reno. Nevada 89501 15 15 3. Summons. I am mailing a copy of this document to: Susan L. Schneider Attorney for the United States of America 13 United States Department of Justice Environment & Natural Resources Division 19 P.O. Box 756 20 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 24 rne in these proceedings. I identify that actorney below, along with his or her mailing address 25 telephone number, and facsimile number: NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2 23

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Case 3: 73-cv	-00127-RCJ-WGC Doc	cument 650 Filed 05/09/05 Page 303 of 383
3	Address:	
4 5 - 6 7	Phone Number: Fax Number:	Marily Rochelland
8 9 10		(Signature)  Marilyn R. Thurburw  (Printed or typed Name)
11		
13 14 15		(Entity, if any, on whose behalf you are appearing) P.O. Box 378 Wellington, NV 89444
16 17 18		(Address)  (Address)  (Telephone number)
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27 28	NOTICE OF APPEARANCE	AND INTENT TO PARTICIPATE, page 2 of 2
	11	

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 304 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) he served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-21-05	Signature LAJUNE KY LER	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify the	
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beat the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee rought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives servic the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice is action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wit.

a notice of appearance and intent to participate.

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 305 of 383

<u>;</u>			
2		IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED ST	TATES OF AMERICA.	)
4		Plaintiff.	) )
5	WALKER F	LIVER PAILTE TRIBE.	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		) )
8		UVER IRRIGATION DISTRICT,	) )
9	a corporation	n, et al.,	ý e e e e e e e e e e e e e e e e e e e
10		NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1.	I hereby enter my appearance in this sub	o-proceeding in this case.
12	2.	I am filing this document with the Distr	ict Court at the following address:
13		Chief Deputy Clerk	
14		United States District Court for the District of Nevada	
15		400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:		
13		Susan L. Schneider	
19		Attorney for the United States of Ameri United States Department of Justice	
20		Environment & Natural Resources Divi P.O. Box 756	sion
21		Littleton, Colorado 80160	
22	4.	I (or the entity on whose behalf I am act	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe		
26	me in these	proceedings. I identify that attorney below	, along with his or her mailing addres
27	telephone nu	mber, and facsimile number:	
28			
	NOTICE	OF APPEARANCE AND INTENT TO PARTS	CIPATE, page 1 of 2

Case 3:73	- -cv-00127-RCJ-WGC Documer	nt 650 Filed 05/09/05 Page 306 of 3
1	Attomey:	
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	10 1/1
8		× Faluni Kylin
9		(Signature)
10		
11		(Printed or typed Name)
12	·	(Finited of typed Ivano,
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		
17		X LS St. Rte 208 (Address) Yearing tar, Ni
18		775-463-4241
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20	OF ADDEDDINGS AND INTENT	r TC PARTICIPATE, page 2 of 2

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 307 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain	in all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections	s based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons	13 to 1

Date: 3-23-05

Signature

Lawrence F. Masini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: tartner of

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 308 of 383

-				
2.	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA			
3	UNITED STATES OF AMERICA.			
4	Plaintiff. )			
5	WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125			
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13	Susan L. Schneider			
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division			
20 21	P.O. Box 756 Littleton, Colorado 80160			
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23	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.			
24				
25	me in these proceedings. I identify that attorney below, along with his or her mailing address.			
26				
27	telephone number, and facsimile number:			
28				

se 3:7:	3-CY-00127-RCJ-WGC Attorney:	Document 650 Filed 05/09/05 Page 309 of 3
2		
3	Address:	
4		· ·
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. 6	Phone Number:	1
7	Fax Number:	ABIL.
8		(Si-anya)
9		(Signature)
10		Lauren B. Musici
11		(Printed or typed Name)
12		Partner
13		
14		L& M. Family Ltd Partnersk
15		(Entity, if any, on whose behalf you are appearing)
16		11 N. Main St.
17		YERINGTON, NV 89447
18		(Address) (775) 463-2481
19		(Telephone number)
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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 310 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER FAILTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Summons or in the service of the Notice in Lieu of Summons.	Summons or in the service of the Notice in Lieu of Summons. Jacustence C Masine

Date: 03.24.05

Signature .

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Partner

of

acting as: \_\_\_\_\_(Title)

L & M Family Limited Partnership

(Corporate, Trus:, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 311 of 383

-				
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3	UNITED STATES OF AMERICA.	) 		
4	Plaintiff.			
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125		
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17	Summens. I am mailing a copy of this document to:			
13	Susan L. Schneider	•		
19	Attorney for the United States of America United States Department of Justice			
20	Environment & Natural Resources Divisi P.O. Box 756	on		
21	Littleton, Colorado 80160	> 'tt 't 11 defenses on chications		
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23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec			
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2 E	me in these proceedings. I identify that attorney below,	along with his or her mailing address.		
7	telephone number, and facsimile number:			
8	·			
- 11				

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 312 of 383 Attorney: 2 Address: 3 4 5 Phone Number: 775, 463 2904 6 4 4340 Fax Number: 7 8 (Signature) 9 10 11 (Printed or typed Name) 12 Partner 13 L & M Family Limited Partnership 14 (Entity, if any, on whose 15 behalf you are appearing) 11 N. Main St. 16 Yerington, NV 89447 17 (Address) 18 775-463-2904 (Telephone number) 19 20 21 22 23 24 25 26 27

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### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 313 of 383

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	Jatricea Masini	
Date: 3/24/05	Signature	
	Patricia K. Masini	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as: Partner	of
	(Title)	
	L & M Family Limited Partnership	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 314 of 383

-			
2		IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED ST	ATES OF AMERICA.	)
4		Plaintiff.	}
5	WAIKER	UVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		rammin-mic. venor,	
8	VS. WALKER R a corporation	IVER IRRIGATION DISTRICT.	<b>)</b>
	1	NOTICE OF APPEARANCE AND IN	STENT TO PARTICIPATE
10		NOTICE OF AFFEARANCE AND II	VILITI TO IXELITATION -
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26	me in these p	proceedings. I identify that attorney below	w, along with his or her mailing address
27	telephone nur	nber, and facsimile number:	
28			

Case 3:7:	3-cy-00127	-RCJ-WGC Attorney:	Docur	ment 650 File	ed 05/09/05 Page 315 of
, 2					
·· 3		Address:			
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8			• •	/ cm) en w	tatricia & Masine
9					(Signature)
10					, , , , , , , , , , , , , , , , , , ,
11					Patricia K. Masini
					(Printed or typed Name)
12					Partner
13				•	L & M Family Limited
14					Partnership (Entity, if any, on whose
15					behaif you are appearing)
16					11 N. Main St.
17					Yerington, NV 89447
18					(Address)
19					(Telephone number)
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·n ·n					

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 316 of 383

LYON COUNTY, NEV. RECORD REQUESTED BY

APN: 010-193-18 RPTT \$975.00 WESTERN TITLE CO. INC. 04 JUN -2 PM 2: 20

HARY C. HILLIGAN COUNTY RECORDER

FOF 150 DEP. MU

WHEN RECORDED MAIL TO:

Name

JOHN J. BRACKETT 2804 DOMINICI DRIVE

Street Address

FREMONT, CA 94536

City,State

Zip

MAIL TAX STATEMENTS TO:

Name

JOHN J. BRACKETT

Street

SAME

Address City,State

Zip.

00008564-112-LJI

Order No.

(SPACE ABOVE THIS LINE FOR RECORDERS USE)

## GRANT, BARGAIN AND SALE DEED

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, GARTH W. LAMB and SHARI L. HUMBLE-LAMB, who acquired title as SHARI HUMBLE-LAMB, husband and wife, do(es) hereby GRANT(s) BARGAIN SELL and CONVEY to JOHN J. BRACKETT, an unmarried man and to the heirs and assigns of such Grantee forever, all the following real property situated in the County of Lyon, State of Nevada bounded and described as follows:

All that real property situate in the County of Lyon, State of Nevada, described as follows:

A parcel of Land located within the Northeast ½ of Section 10, Township 11 North, Range 23 East, M.D.B.& M., more particularly described as follows:

Parcel 1A of a parcel map for FANNIN, filed for record on June 15, 2001, as File No. 262229, Official Records, Lyon County, Nevada.

TOGETHER WITH ALL WATER, WATER RIGHTS, WELL, WELL RIGHTS, DITCH AND DITCH RIGHTS APPURTENANT THERETO.

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: May 27, 2004

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 95/09/05 Page 317 of 383

Grant, Bargain and Sale Deed - Page 2 GARTHWILAMB

WILLIAMB

WILLIAMB

WILLIAMB My Appl. Expires Nov 3, 2007 Appointment, No. 03-84610.1 Notary Public, State of Merada STATE OF NEVADA State of Nevada, County of Clark Day of Miles COUNTY OF CLASSE This instrument was acknowledged before me on Personally appeared to me to be the 20 MAYOY person whose name is subscribed in the above instrument who acknowledged that the instrument. Notary Public CAROLYN S. CHANEY **NOTARY PUBLIC** STATE OF NEVADA APPT. No. 92-0779-1

**FION DISTRICT** YERINGTOL, LEVADA WALKER RIVER IR!

Fremont, CA 94636 2804 Dominicl Dr. John L. Brackett 4907

O. & M. Local No. 1

Acre Feet Storage Non Wtr Rt. Acres Water Dt. Acres TOTAL ACRES CLAIM \* 9 BRIDGEPORT RES. ACRE FEET 41.72 TOPAZ RES. ACRE FEET

41.72

41.719 41.7.9

2.0592 PER ACRE

63

4.2768

20.260 20.260

TOTAL

APPORTIONED ACRE FEET

TOTAL

STORAGE DAYS

DUTY

ACRES

S L

PRIORITY NEWL

Court Decree

Address

ACRE PEET REQUIRED

20.25 CL

20.2600 Og

41.72

3:

Colony 203

10-193-18

Lyon County No.

index No.

Claim No.

User # Ditch

(10-193-10 Transferred to card #9061 - 31.28 Ac. - 24.1 Excluded & 7.18 Ac. COMMENTS Newland)

12/28/01 - Transferred from cad #15168 - Fannin 8/25/01 - Transferred from card #15170 - Fannin 10-193-05 - 20.05 Ac. excluded (sold 12/05/94) 10-193-11 - 10.43 Ac. excluded (sold 5/05/95) 3/12/01 - Transferred from card #55802 - VGR 3/12/01 - Transferred from card #55806 - VGR

06/17/04 - Transferred from card #28380 - Lamb

Document 650 Filed 95/09/05

- WRID 06/30/0469 Bruce A. & Patricia D. Clark to Richard Laurence & Tracy Lynn Blake Family Trust dated 6/1/93, APN 10-193-11, 10-43 acres excluded land. Bruce A. Clark & Patricia D. Clark, Husband & Wife to Patricia D. Clark, an unmarried woman as hewr sole & separate property VGR Limited Partnership to Glenn D. Fannin & Tracey L. Fannin, husband and wife as joint tenants Patrica D. Clark to the Patricia D. Clark 1996 Trust, Patricia D. Clark Trustor & Trustee. Hannah Satica to Bruce & Patricla Clark. "See Deed corrections in Clark File. THOISING A Map of Division into large Parcels for Patricla D. Clark Thr Patricia D. Clark 1995 Trust to Patricia D. Clark. Caleb & Lesta Whitbeck to Donald & Dori Sloan. James & june Rolph to Robert & Hannah Satica. Robert Satica to Hannah Satica as sole owner. Patricia D. Clark to VGR Limited Partnership. Donald & Doris Sloan to Louis & Mary Cote. Louis & Mary Cote to Jame & June Rolph. NOTTHINGE 11/07/96 02/15/01 11/07/98 02/16/96 02/15/01 04/27/90 96/90/90 10/12/95 04/09/65 07/08/70 03/14/72 77/05/80 01/02/62 1,40 Exhibit 94 SOCIIMENT HISTORY #257462 #199226 COCUMENT # #199229 #257439 #181849 #186628 190327 #132873 #43-207 #48-106 #33729 #09668 #03487

318

Glenn D. & Tracey L. Fannin, husband and wife as Joint Tenants to Garth W. Lamb & Shari Humble-Lamb, husband and wife as Joint Tenants Garth W. Lamb & Sharl L. Humble-Lamb, who acquired title as Shari Humble-Lamb, husband and wife to John J. Brackett, an unmarried man

06/02/04

#322205

06/15/01 11/13/01

#262229 #268422

of 383

Parcel 1A of PM 262229 Fr. NE 1/4, Sec. 10; T 11 N - R 23 E EGAL DESCRIPTION:

Division #:

Card #: Name:

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 319 of 383

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- Susan L. Schneider, attorney for the United States of America °O:
- 1. I acknowledge receipt of your request that I waive service of ε. Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAPM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the OFIDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy me. of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schreider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2 - 14 - 05

DONALD LI

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as <u>frustee</u> of

The Languer Family Trust

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with of appearance and intent to participate.

## WAIVER OF SERVICE OF NOTICE IN LIFU OF SUMMONS

# TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-18-05

Signature

Vette Laws

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ght in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the warver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1						
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA				
3	UNITED STATES OF AMERICA,					
4	Plaintiff,					
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125				
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B				
7	vs.					
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,					
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE				
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	p-proceeding in this case.				
12	<ol><li>I am filing this document with the Distr</li></ol>	ict Court at the following address:				
ا د 1	Chief Deputy Clerk					
14	United States District Court for the District of Nevada					
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501					
16	3. In the envelope provided for return of n	ny Waiver of Service of Notice in Lieu of				
17	Summons, I am mailing a copy of this document to:					
18	Susan L. Schneider	·				
19	Attorney for the United States of Argerica United States Department of Justice Environment & Natural Resources Division					
20	P.O. Box 756 Littleton, Colorado 80160	151011				
21	<b>\</b>	ting) will retain all defenses or objections				
22	h					
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24	a service of the latest and a service of the servic					
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27	telephone number, and facsimile number:					
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	NOTICE OF APPEARANCE AND INTENT TO FART	ricipats, page 1 of 2				

### 3-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 322 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) 1.3 (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 323 of 383

#### WATVER OF SERVICE OF NOTICE IN LIFU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIL TE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defe	enses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections based or	n a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	$\wedge$

Date: 3-/8-05

Signature

Signature

ONN! F. D. LAWSON SR

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Of

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service to Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: فئة Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 30% 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I arn acting) will retain all defenses or objections 4 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3 73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 325 of 383

1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		A Grande St. Musa De
9		(Signature)
10		
11		Ronnie D. Lywsonsk (Printed or typed Name)
12		(Finited of typed Name)
13		
14		(Entity, if any, on whose
1.5		behalf you are appearing)
16		P-O. BOX 68
17		<u>SMITU WV 89430</u> (Address)
18		775-465-2221
19		(Telephone number)
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### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 326 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIL TE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons

Date: 3/17/05	Suganne Lexumberry Suzanne Lexumberry
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
	acting as: Trustee of
	Lekumberry 2001 Trust
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service on a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the clasms of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action of over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 3(1) 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 5. me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 328 of 383

1	Attomey:	
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6	Phone Number:	
7	Fax Number:	
8		Glegarne Lekumberry
9		(Signature)
10		
11		Suzanne Lekumberry
12		(Printed or typed Name)
1.3		
14		Lekumberry 2001 Trust
15		(Entity, if any, on whose behalf you are appearing)
16		P.O. Box 248
17		Smith. NV 89430
18		(Address) 775 465-2044
19		(Telephone number)
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## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 329 of 383

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3/21/05	Signature Sonnic Little	·	
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you acting as:  (Title)	ou are of	
	(Corporate, Trust, Partnership or other entity)		

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 330 of 383 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 = WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B 6 Plaintiff-Intervenor. 7 VS. WALKER RIVER IRRIGATION DISTRICT, 8 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 9 10 I hereby enter my appearance in this sub-proceeding in this case. 11 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Sume 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu 16 3. Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America United States Department of Justice 19 Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objection to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defer 22 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe: me in these proceedings. I identify that attorney below, along with his or her mailing address 25 telephone number, and facsimile number: 27 23

3:73-	-cv-00127-RCJ-WGC Documer	nt 650 Filed <del>0</del> 5/09/05 Page 331 of 38
1	Attomey:	
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3	Address:	
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- 6	Phone Number:	
7	Fax Number:	
8		(Signature)
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10		Connic Little
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose behalf you are appearing)
15		350 Densmore Ln
16		Yevington NV 8944
17		(Address) 775-463-1445
18		(Telephone number)
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# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 332 of 383

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Summons of in the service of the	D-/ JR
Date: 15 MAR 2005	Signature DAUD Sittle JR
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
·	acting as:of
	(Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu ( Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice i eu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 333 of 383 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 5 WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B 6 Plaintiff-Intervenor, 7 VS. WALKER RIVER IRRIGATION DISTRICT, 8 a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 I hereby enter my appearance in this sub-proceeding in this case. 11 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu c 16 3. 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America United States Department of Justice 19 Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objection 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec-23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings. I identify that attorney below, along with his or her mailing address telephone number, and facsimile number: 28

### -cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 334 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) DAUD Little (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 350 Devemore LA Terington NV (Address) (775) 463-1445 (Telephone number)

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 335 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan I.. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/28/05

Signature

David M Littl

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Irustee

(Title)

The David M. Little Family Trust Agreement (Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service a Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 336 of 383

1		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	) )
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7		
8 9	walker river irrigation district, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11	I. I hereby enter my appearance in this sub	-proceeding in this case.
12	2. I am filing this document with the District Court at the following address:	
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for returned m	y Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
18	Susan L. Schneider Attorney for the United States of America	
19	United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am activ	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address.	
27	telephone number, and facsimile number:	
28		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:78-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 337 of 383

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		4
9		(Signature)
10		
11		David M Little
12		(Printed or typed Name)
13		Trustee,
14		David M. Little Trust Family Trust Agreement
15		(Entity, if any, on whose
16		behalf you are appearing) P. O. Box 128
17		Yerington, NV 89447
18		(Address)
		(775) 463-3003
19 20		(Telephone number)
21		
22		
23		•
24	•	
25	·	.•
26		
27		
28		

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 338 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILITE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-28-05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustee of

(Title)

The David Little Family Trust Agreement

(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service be Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 339 of 383

-		
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAILTE TRIBE.	). ) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7		)
8	VS.	}
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	)
10	NOTICE OF APPEARANCE AND II	NTENT TO PARTICIPATE
11	I hereby enter my appearance in this s	ub-proceeding in this case.
12	2. I am filing this document with the Dis	trict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu	
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	cting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe:	
25	me in these proceedings. I identify that attorney below, along with his or her mailing addres	
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PART	MICIPATE, page 1 of 2

Case 3:7		ent 650 Filed 05/09/05 Page 340 of 383
. 1	Attorney:	
2		
3	Address:	
4		
5		•
6	Phone Number:	
7	Fax Number:	
		Donat
8		(Signature)
9		, <del>-</del>
10		Sherry Little
11		(Printed or typed Name)
12		·
13		Trustee, The David Little Family
14		The David Little Family Trust Agreement  (Entity, if any, on whose
15		behalf you are appearing)
16		P. O. Box 128
17		Yerington, NV 89447
		(Address)
18		(775) 463-3003 (Telephone number)
19		(Terebuone umiser)
20		
21		
22		
23		
24		
25		· ·
26		·•
27		

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 341 of 383

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PARTIE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Karen Jonesari	
Date: 3/23/05	Signature / Signat	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 342 of 383

-			
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA	
3	UNITED STATES OF AMERICA.		
4	Plaintiff.	•	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B	
7	vs.	)	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE	
17	1. I hereby enter my appearance in this sub	-proceeding in this case.	
12	2. I am filing this document with the Distri		
13	Chief Denuty Clerk		
14	United States District Court for the		
15	400 South Virginia Street, Suite 301 Reno. Nevada 89501		
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu c	
17	Summons, I am mailing a copy of this documers to:		
13	Susan L. Schneider	C.P.	
19	United States Department of Justice		
20 21	P.O. Box 756 Littleton, Colorado 80160		
	4. I (or the entity on whose behalf I am act	ing) will retain all defenses or objection	
22 23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect		
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	tel (ar the entity on whose behalf lam acting) have retained an attorney to represent		
26			
27			
28			
	NOTICE OF APPEARANCE AND INTEND TO FART	ICIPATE, page 1 of 2	

### Case 3:7\$-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 343 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) Lammor. (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) IN ELLING TON HU (Address) (Telephone number)

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 344 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 3/23/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title:)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 345 of 383

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA.	)	
4	Plaintiff.	)	
5	WALKER RIVER PAIUTE TRIBE.	) · ) IN EQUITY NO. C-125	
6		) SUBFILE NO. C-125-B	
7	Plaintiff-Intervenor,	)	
8	vs. WALKER RIVER IRRIGATION DISTRICT,	) ) )	
9	a corporation, et al.,	ý	
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE	
11	<ol> <li>I hereby enter my appearance in this su</li> </ol>	b-proceeding in this case.	
12	<ol> <li>I am filing this document with the Dist</li> </ol>		
13			
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16	3. In the envelope provided for return of r	ny Waiver of Service of Notice in Lieu c	
	Summons, I am mailing a copy of this document to:		
13	Susan L. Schneider	iaa	
19	Attorney for the United States of Amer United States Department of Justice		
20	Environment & Natural Resources D.v. P.O. Box 756	ision	
21	Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses or objection	
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec		
4	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen		
6	me in these proceedings. I identify that attorney below, along with his or her mailing address		
7	telephone number, and facsimile number:		
8			
[]			

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 346 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 20 Y)ESA WELLINGTON NV COUL (Address) (Telephone number)

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 347 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

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Date: 3/10/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Trustee

J. Mages Revocable Trust

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 348 of 383

1		
2	IN THE UNITED STATES IN FOR THE DISTRICT O	ISTRICT COURT F NEVADA
3	UNITED STATES OF AMERICA,	· •
4	Plaintiff,	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub	-proceeding in this case.
12	2. I am filing this document with the Distri	
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16		y Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	•
18	Susan L. Schneider	
19	Attorney for the United States of Americ	
20	Environment & Natural Resources Divis P.O. Box 756	sion
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the	ne Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
ı	NOTICE OF APPEARANCE AND INTENT TO PARTI	cipare, page 1 of 2

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 349 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) Ruth J. Magee (Entity, if any, on whose behalf you are appearing) (Telephone number)

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 350 of 383

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Signature

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Of (Title)

(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amendec Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaint: If (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ight in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 351 of 383

1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES (	OF AMERICA.	
4	Plain		
5	WALKER RIVER F	AIUTE TRIBE.	IN EQUITY NO. C-125
6		tiff-Intervenor,	SUBFILE NO. C-125-B
7		)	
8	VS.		
9	a corporation, et al.,	RRIGATION DISTRICT, )	
10	NOTIC	E OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	1. I here	by enter my appearance in this sub	-proceeding in this case.
12	2. I am	filing this document with the Distri	ict Court at the following address:
13		f Deputy Clerk	
14	Unite	ed States District Court for the strict of Nevada	
15	400 3	South Virginia Street, Suite 301 , Nevada 89501	
16	3. In th	e envelope provided for return of m	ny Waiver of Service of Notice in Lieu of
17	Summons, I am mai	ling a copy of this document to:	
13	Susa	n L. Schneider	ca
19	Í 17-in	mey for the United States of Americal States Department of Justice ronment & Natural Resources Divi	
20	P.O.	Box 756 eton, Colorado 80160	
21	i e		ing) will retain all defenses or objections
22			
23	II.		rt except for objections based on a defect
24		a of Summons or in the service of t	
25			ing) have retained an attorney to represent
26	me in these proceed	lings, I identify that attorney below	v, along with his or her mailing address,
27	telephone number.	and facsimile number	
28			
	NOTICE OF A	PPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2

### cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 352 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 510 DA-1 LAM molligter no gayn. (Address) (Telephone number)

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 353 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAILINE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

<ol><li>I (or the entity on whose believed)</li></ol>	half I am acting) will retain all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Co	ourt except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notice	ce in Lieu of Summons.
03-70 NG	CSWORT OF A

Date: 3-20-05

Signature
Lue Ha A, Morri

Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

•		
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	) )
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) )
9	WALKER RIVER IRRIGATION DISTRICT,	) ) )
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this sub	
13	2. I am filing this document with the Distri	ct Court at the following address:
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of m	v Waiver of Service of Notice in Lieu o
17	Summons, I am mailing a copy of this document to:	y warver of our vice of fronce in give of
13	Susan L. Schneider	
19	Attorney for the United States of Americ	a
20	United States Department of Justice Environment & Natural Resources Divisi	on
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am actir	ng) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the	Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actin	g) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address,
7	telephone number, and facsimile number:	
8		
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	IPATE, page 1 of 2

### Case 3:78-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 355 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) Luetta A. Mann (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

### Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 356 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PACUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 03/16/05

Signature

Davre | Marraccini

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 357 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-17-05	Signature,	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	voji are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA.
4	Plaintiff,
5	WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C-125
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	V5.
8 9	WALKER RIVER IRRIGATION DISTRICT.  a corporation, et al.,
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	Thombus and a second se
12	I hereby enter my appearance in this sub-proceeding in this case.
13	2. I am filing this document with the District Court at the following address:
14	Chief Deputy Clerk United States District Court for the
15	District of Nevada 400 South Virginia Street, Suite 301
16	Reno, Nevada 89501  3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	property and the second of the
1.8	Summons. I am mailing a copy of this document to
19	Susan L. Schneider Attorney for the United States of America
20	United States Department of Justice Environment & Natural Resources Division P.O. Box 756
21	Littleton, Colorado 80160
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, along with his or her mailing address,
27	telephone number, and facsimile number:
28	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 359 of 383

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	£
8		Mariacene
9		(Signature)
10		,
11		Lisa Marracuni
12		(Printed or typed Name)
13		
14		(T) (1)
15		(Entity, if any, on whose behalf you are appearing)
16		38 E. Pursel Ln.
17		YERINGTON, NV 89447
18		(Address) (725) 463 - 3454
19		(Telephone number)
20		
21		
22		
23		
24		
25		
26		
27		
28		

# Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 360 of 383 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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	Johnson Masine	
Date: 3/24/05	Signature	
	Patricia K. Masjni	
	Printed/Typed Nam.e	
	If you are acting on behalf of any entity, identify the	hat you are
	acting as: Partner	of
	(Title)	
	Masini Investments	
	(Corporate Trust Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73 cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 361 of 383

•								
4	FOR THE DISTRICT OF NEVADA							
3	UNITED STATES OF AMERICA.							
4	Plaintiff )							
5	WALKER RIVER PAILTE TRIBE.   IN EQUITY NO. C-125							
6 7	Plaintiff-Intervenor, SUBFILE NO. C-125-B							
8	vs.							
9	WALKER RIVER IRRIGATION DISTRICT, ) a corporation. et al.,							
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE							
11	1 Therein are a second and the second and the second							
12	<ol> <li>I hereby enter my appearance in this sub-proceeding in this case.</li> <li>I am filing this document with the District Court at the following address:</li> </ol>							
13								
14	Chief Deputy Clerk United States District Court for the District of Nevada							
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501							
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of							
17	Summons, I am mailing a copy of this document to:							
13	Susan L. Schneider							
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division							
20	P.O. Box 756 Littleton, Colorado 80160							
22	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection							
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec							
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.							
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen							
26	me in these proceedings. I identify that attorney below, along with his or her mailing address							
27	telephone number, and facsimile number:							
28								
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2							

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 362 of 383 Address: Phone Number: 775.463.4526 Fax Number: (Signature) Patricia K. Masini (Printed or typed Name) Partner Masini Investments (Entity, if any, on whose behalf you are appearing) 11 N. Main St. Yerington, NV 89447 (Address) (Telephone number)

## Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 363 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons

Date: 3-23-05

Signature

Lawrence B. Masini .

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: 12 her of

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked be a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beat the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

•	÷						
2	FOR THE DISTRICT (						
3	UNITED STATES OF AMERICA.	)					
4	Plaintiff.	)					
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125					
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B					
7	vs.	) }					
8 9	WALKER RIVER IRRIGATION DISTRICT.	) ) )					
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE					
11							
12	1. I hereby enter my appearance in this sub						
13	2. I am filing this document with the Distri	ict Court at the following address:					
14	Chief Deputy Clerk United States District Court for the District of Nevada						
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501						
16	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu o					
17	Summons, I am mailing a copy of this document to:						
13	Susan L. Schneider						
19	Attorney for the United States of Americ United States Department of Justice						
20	Environment & Natural Resources Divis P.O. Box 756	ion					
21	Littleton, Colorado 80160						
22	4. I (or the entity on whose behalf I am action	ng) will retain all defenses or objection					
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27	telephone number, and facsimile number:						
28							
	NOTICE OF APPEARANCE AND INTENT TO PARTIC	EIPATE, page 1 of 2					

Case 3:73	CV-00127-RCJ-WGC Document	650 Filed 05/09/05 Page 365 of 3
2		
3	Address:	
4		
5	•	
6	Phone Number:	
7	Fax Number:	
8		100
9		(Signature)
10		,
11		Laur & Musici
12		(Printed or typed Name)
13		ιμγικοί
14		Masini Investments
15		(Entity, if any, on whose behalf you are appearing)
16		11 N. main St.
17		Yerington, NV 89447
18		(Address) (775) 463-2481
19		(Telephone number)
20		
21		
22		
23		
24		
25	;	
26		•
27		
(1		

# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA.

Plaintiff,

Plaintiff,

In Equity No. C-125-ECR
Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE.

NOTICE OF CHANGE OF
OWNERSHIP OF WATER RIGHT

V.

WALKER RIVER IRRIGATION DISTRICT,
a corporation. et al.,

Defendants.

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has sold or otherwise conveyed ownership of all or a portion of a water right within one or more of the categories set forth in Paragraph 3 of the Case Management Order and provides the following information:

The name and address of the party or parties who sold or otherwise conveyed ownership:

Name(s)
Mathews Family Trust
Robert J. Mathews, Surviving Trustee
Street or P.O. Box

P. O. Box 532

Exhibit 110

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

#### Case 3 73-cy-00127-RCJ<sub>z</sub>WG $C_n$ Document 650 Files $\Omega$ 5/09/05 Page 367 of 383 ZipCode State Town or Cir. 2 The name and address of each person or entity who acquired ownership 2. 3 Walker River Irrigatiaon District 4 Name(s) P. O. Box 820 5 Street or P.O. Box 6 89447 NVYerington 7 State ZipCode Town or City 8 Attached to or included with this notice is a copy of the (check appropriate 3. 9 box(es)): 10 КX Deed 11 Court Order 12 Other Document. by which the change in ownership was accomplished. 13 The undersigned acknowledges that any person or entity who files a Notice of 14 Change of Ownership of Water Right using this form is ultimately responsible for the accuracy 15 of this filing. Consequently, the undersigned acknowledges that any person or entity who files 16 ! " 18 19 This notice shall be sent to the following two persons: 20 Linda Lea Sharer, Chief Deputy Clerk United States District Court for the District of Nevada 21 400 South Virginia Street, Suite 301 Reno, NV 89501 22 <u>And</u> 23 Susan L. Schneider 24 United States Department of Justice P.O. Box 756

NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 2 of 3

Littleton, CO 80160

25

Case <sup>1</sup> 3	:7.3 <sub>F.C.V</sub> 0.0.12.7-Fames whas edge declarations are the company of the company
2	litigation.
3	
4	Executed this 22nd day of FEB 200.5.
5	- · · · · · · · · · · · · · · · · · · ·
6	
7	Subufficient [signature of counter-defendant]
8	
9	Di li mathaus
10	Robert 5 Mathews
11	[name of counter-defendant]
12	
13	[signature, if applicable, of person acting on behalf of counter-defendant]
14	
15	
16	[name, if applicable, of person acting on behalf of counter-defendant]
17	
18	Dr Bry 532
19	P.O. Box 532 VERINGTON, NV 89447 [address]
20	[address]
21	(175) 463-4339 [Telephone number]
22	[Telephone number]
23	
24	
25	
26	
27	
28	NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 3 of 3

Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 369 of 383

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

Walker River Irrigation District P.O. Box 820 Yerington, NV 89447 APN 12-062-15 RPTT # 2

(Not Compared to Original)

03/07/2005

12:39 PM

Official Record
Requested By

Requested By W.R.I.D.

Lyon County - NV Mary C. Milligan - Recorder

### WATER RIGHTS QUITCLAIM DEED

THIS INDENTURE, made and entered into this Andrews day of Feb, 22.

2005, by and between the MATHEWS FAMILY TRUST, ROBERT J. MATHEWS, surviving trustee, hereinafter referred to as "Grantor," and the WALKER RIVER IRRIGATION DISTRICT, hereinafter referred to as "Grantee";

### WITNESSETH:

That the said Grantor, in consideration of the sum of TEN DOLLARS (\$10.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, does by these presents convey, transfer and quitclaim unto the Grantee, and to its successors and assigns forever, all of the rights of the Grantor to receive stored waters from Bridgeport Reservoir and to divert water from the Walker River and its tributaries, all such water rights being appurtenant to the land situate in the County of Lyon, State of Nevada, that is described in Exhibit "A" attached hereto and made a part hereof.

To have and to hold the said water rights together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining and the

## Case 3:73-cy-00127-RCJ-WGC Document 650 Filed Q5/09/05 Page 370 of 383

reversion and reversions, remainder and remainders, rents, issues and profits thereof unto the Grantee, its successors and assigns, forever.

Grantee does hereby agree to assume the payment of all fees and charges that may hereafter become due and payable in respect to said water rights referred to herein.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

**GRANTOR:** 

MATHEWS FAMILY TRUST

By: Molect I Mathews

Date: 71-22 65

SUBSCRIBED and SWORN to before me this 22 hd day of 4 ck-ruary 2005.

NOTARY PUBLIC

ESAA COVAPSTON

Notary Public State of Nevada
Appoinment Reported in Eyon County
No. 904/907; T. Florias April 5, 2005

GRANTEE::

WALKER RIVER IRRIGATION DISTRICT

Its: Chairman

Date: 3-7-05

SUBSCRIBED and SWORN to before me this <u>7th</u> day of <u>MARCH</u>, 2005.

NOTARY PUBLIC

LEAH COMPSTON

Notary Public - State of Nevada

Appointment Recorded in Lyon County
No. 93-3029-12 - Expires April 5, 2005

### **EXHIBIT "A"**

All that certain real property situate in the SW ¼ of the NW ¼, Sec. 23; T. 13 N., R. 25 E., M.D.B.&M., County of Lyon, State of Nevada, more particularly described as follows:

### Zwiebel Parcel #19:

Commencing at the northwest corner of said Section 23, proceed S 13° 03' 42" E, 1602.58 feet, to the northwest corner of Zwiebel Parcel No. 16; thence S 0° 20' W, 450.00 feet, along the westerly boundaries of Zwiebel Parcel Nos. 16, 17, & 18, to the TRUE POINT OF BEGINNING of this Parcel No. 19, which is the northwest corner; proceed thence S 89° 40' E, 290.40 feet, along the southerly boundary of Parcel No. 18 to the northeast corner of this parcel; thence S 0° 20' W, 150.00 feet, to the southwest corner of this parcel; thence N 89° 40' W, 290.40 feet, to the southwest corner of this parcel; thence N 0° 20' E, 150.00 feet, along the easterly side of a fifty foot wide public road easement, to the TRUE POINT OF BEGINNING, containing one acre, more or less.

PER NRS 111.312, THE LEGAL DESCRIPTION APPEARED PREVIOUSLY IN DEED #136762 RECORDED ON OCTOBER 19, 1990 IN LYON COUNTY RECORDS.

ACAVEN MEVADA

Division #:	7	WALKER RIVER IRRIGATION DISTRICT YERINGTON, NEVADA
*	33020	Index No.
Name.	Mathews Family Trust	Lyon Count
	Robert J. & Pauline M. Mathews, Trustees	Claim No.
Address:	P. O. Box 532	Usera
	Yerington, NV 99447	O. & M. Local No. 3 Ditch
Court Decre	Court Decree: C-125, P.25; Fox Ditch Company	

				_				1				
	,			DAYS	ACRE FEET	ACRE FEET REQUIRED	ACRE FEET	TOPAZ RES.	BRIDGEPORT RES.	:	TOTAL ACDES	1.170
PRIORITY	C.F.S	ACRES	TING	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM	IVIAL PUNES	
1865	90.	.350	3.2076			000				45	Water Rt. Acres	1.170
1870	004	.310	3.2076			000				45	- A STATE OF THE PARTY OF THE P	000
1875	.003	.260	3.2076	80	1901	.049				45		3
1880	.002	130	3.2076	25	.594	710.				45		_
1885	.00	090	3.2076	62	.689	140.				45	Acre Feet Storage	.189
1890	000	.030	3.2076	8	.7128	.021				45		
4.00	000	.030	3.2076	32	,7603	000				45		
TOTAL	410	1.170				189	.19	00.	.19			
FGAL DESCRIPTION:								COMMENTS:				
								- 00/12/10	1/23/00 - Transferred from card #57200 - Zwiebel	m card #5720	0 - Zwiebel	
Fr. SW 1/4 of NW 1/4, Sec. 23; T. 13 N., R. 25 E.	f NW 1/4, Se 1, 25 E.	ic. 23;										
Zwiebel Parcel #19	91 #19											
DOCUMENT HIS FORY:	RY:					100						
POCHUENT		DATE	DESCRIPTION	ž								
435.481		04/01/51	J.S. & V.G.		10 4 5 Amy	Zwiebel Exch	DuPrattic & J. & Amy Zwiebel Excluded 17.28 acres - July 1968.	- July 1958				v In 10 +1
41.013#	:	03/04/80	A.J. & Amy		tot, hutband	and wife to Pol	E. Zwiebol, Sushand and wife to Pohert I. & Payline Mathews, husband and wife	Mathews, hus	band and wife			
200											1	-

# - Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 373 of 383

OFFICIAL RECORDS LYON COUNTY, NEY. RECORD REQUESTED BY

OH MAR 18 AM 9: 22

MARY C. MILLIGAN
COUNTY RECORDER
FEE 15 DEP. MK

Affix R.P.T.S

APN 14 -48 - 17

R.P.T.

Title Order No. 5111.001567

Escrow No. 5111001567-JH

WHEN RECORDED MAIL TO:

Name Mr. and Mrs. McBee

Street
Address

City & State

MAIL TAX STATEMENTS TO: Grantee at address above

SPACE ABOVE THIS LINE FOR RECORDER'S USE Quitclaim Deed FOR A VALUABLE CONSIDER MION, receipt of which is hereby acknowledged, MICHAEL P. MCBEE AND CHEEK, MCBEE, TRUSTEES OF THE MICHAEL P. MCBEE AND CHERYL E. MCBEE REVOCABLE INVING TRUST, DATED FEBRUARY 26, 1997 hereby REMISE(S), RELEASE(S) AND FOREVER QUITCLAIM(S) to MICHAEL P. MCBEE AND CHERYL E. MCBEE HUSBAND AND WIFE, AS JOINT TENANTS 10 Li that property in LYON County, Nevada, described as: Dated March 4, 2004 STATE OF NEVADA COUNTY OF On March 8, 2004 before me, the undersigned, a Notary Public in and for said State, personally appeared Michael + Checyl personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. WITNESS my hand and official sea MICHELLE PELLEGRINI Nothiny Public - State of Nevada Signature Appointment Recorded in Evon County No. 34-5132-12 - Expires September 9, 2006 Pelleari rely le Name ..

315976

(typed or printed)

ORTC-470 4/2003

(This area for official notarial seal)

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 374 of 383

### Legal Description

All that real property situate in the County of Lyon, State of Nevada, described as follows:

Parcel C as shown on the Parcel Map and Boundary Adjustment for Grover F. Glasner recorded in the Official Records of Lyon County, Nevada on June 22, 1992 as Document No. 152758.

	303'
se 3:73- <u>cv</u> -00127-RCJ-WGC	Document 650 Filed 05/09/05 Page 375 of
010.641.13	LYBH COUNTY, NEV. RECORD REQUESTED BY
A.P.N. #010-641-11	
R.P.T.T. \$ 513.50	STEWART THILE OF
ESCROW NO. 030103064	03 SEP -9 PM 2: 27
RECORDING REQUESTED BY:	HARY C. HILLIGAN
STEWART TITLE COMPANY	COUNTY RECORDER
MAIL TAX STATEMENTS TO: SAME AS BELOW	150 KM
Orini AD Didon	FEEOEP
WHEN RECORDED MAIL TO:	
CDANTER	
2827 HIGHWAY 208 PO BOX 1966	
WELLINGTON, NV 89444	(Space Above for Recorder's Use Only)
GATHERULE, W 89410	AIN, SALE DEED
THIS INDENTURE WITNESSETH: That JUDY	J. MCBRYDE, Surviving Joint
Tenant	
	0.11
in consideration of \$10.00, the receipt of which is her and Convey to JEFFREY M. GARCIA and	eby acknowledged, does hereby Grant, Bargain Sell
and Convey to JEFFREY M. GARCIA and	KEALONA GARCIA, HUBBANG
and wife as joint tenants	
and to the heirs and assigns of such Grantee forever, a	all that real property situated in the
and to the heirs and assigns of such Granice follower, a County of Lyon	State of Nevada, bounded and described as:
SEE EXHIBIT "A" ATTACHED HI	ERETO AND MADE A PART HEREOF
Together with all and singular the tenements, heredita	aments and appurtenances thereunto belonging or in
anywise appertaining, and any reversions, remainders	s, rents, issues or profits thereof.
DATE: August 18, 2003	Audu A Mi Boule
	JUDY J MCBRYDE
SUZANNE CHEECHOV	·
NOTARY PUBLIC	
STATE OF NEVADA	
Appt. Recorded in Donglas County My Appt. Expires Jame 25, 2007	
No: 99-36456-6	
1	
AN .	
STATE OF AV	
COLDEN OF MILES SS.	
COUNTY OF WINGE	8/28/03
This instrument was acknowledged before me on	MI #
THIS HORIZON WAS ROUND ALONG DOLORS AND	010010/
hy JUDY J. MCBRIDE	0/40/0/
by, JUDY J. MCBRYDE	0/40/0/
by, JUDY J. MCBRYDE	<u> </u>
Signature Augus Prood	
Signature Augus Prood	sides of document for Recorder's Use Only)

# EXHIBIT "A" LEGAL DESCRIPTION

Order No.: 03012245MM

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

BEING PORTIONS OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 10 NORTH, RANGE 23 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL B AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED ON DECEMBER 3, 1993, AS DOCUMENT NO. 166714, LYON COUNTY OFFICIAL RECORDS.

ASSESSOR'S PARCEL NO. 10-641-11

TION DISTRICT	. <b>£VADA</b>
WALKER RIVER IRF	YERINGTON,

Division #:

Jeffrey M. & Kealoha Garcia P. O. Box 1966 Gardnerville, NV 89410 19270 Address: Card #: **Name:** 

THE STATE OF THE S
<b>建设工程</b>
The Labour.
Carried Control

324-B1	10-841-11		808	Plymouth				
index No.	Lyon County No.	Claim No.	User #	Ditch		100	IOIAL ACRES	Water Rt. Acres
			<b>5</b>				CLAIM #	
						BRIDGEPORT RES.	ACRE FEET	
	<b>影性影响</b>					TOPAZ RES.	ACRE FEET	
						ACRE PEET	APPORTICINED	
	***	e Ga				REQUIRED	TOTAL	1.440
						ACRE PEET REQUIRED	PER ACRE	2.0592

Gase 3:78-cv-0912

Non Wir Rt. Acres

8

<del>1</del>

7.

1.40

STORAGE

0UT¥

ACRES

PRIORITY

Court Decree:

8

4.2768

.700 .700

NEWL

LEGAL DESCRIPTION:	COMMENTS:
	Parcel B of PM166714
0.70 acres in W 1/2, Sec. 2;	01/20/04 - Removed Frank J. McBryde, deceased
T 10 N, R 23 E.	01/20/04 - Transferred from card #33215 - McBryde
INDICTIMENT HISTORY:	

		•	Acre Feet Storage 1.4
LEGAL DESCRIPTION:			COMMENTS:
0.70 acres in W 1/2, Sec. 2; T 10 N, R 23 E.	Sec. 2;		Parcel B of PM168714 01/20/04 - Removed Frank J. McBryde, deceased 01/20/04 - Transferred from card #33215 - McBryde
DOCUMENT HISTORY:			
DOCUMENT #	DATE	DESCRIPTION	
#35-848	01/03/49	Albert & Emma Zimmerman to Manley & Eisle Bishop.	And the second s
#51.370	04/03/68	Manley & Fisie Bishop to Rene & Mary Ann Cardinal.	1. S.
804041:4	11/06/31	Rene L. & Mary Ann Cardinal to Rene L. & Mary A. Cardinal, Trustees of the Cardinal Wellington Trust	s of the Cardinal Wellington Trust.
11500011	02/12/93	Affidavit - Death of Joint Tenant - Mary Cardinal, Deceased.	
#168714	12/03/93	Parcel Map for Cardinal Wellington Trust.	
#170827	04/22/94	Rene L. Cardinal, Successor Trustee of the Cardinal Weilington Trus	Rene L. Cardinal, Successor Trustee of the Cardinal Weilington Trust to Frank Joseph McBryde trustee of the Frank Joseph McBryde trust
#251142	08/11/00	Frank Joseph McBryde, Trustee of the Frank Joseph McBryde Trust	Frank Joseph McBryde, Trustee of the Frank Joseph McBryde Trust Agreement, dated 10/21/92 to Frank J. & Judy J. McBryde, husband and wife as
		Joint Tenants	
#303779	09/09/03	Affidavit - Death of Joint Tenant - Frank J. McBryde, deceased	
#303780	09/09/03	Judy J. McBryde, Surviving Joint Tenant to Jeffrey M. & Kealoha G.	Tenant to Jeffrey M. & Kealoha Garcia, husband and wife as Joint Tenants
			15/09/05 Page 3
			60/05/30 CI W

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/21/05	Signature  Cynthia Stresin  Printed Typed Name	
	If you are acting on behalf of any entity, identify that y acting as:	ou are
	(Title)	01
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ight in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service in Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

:		
2	FOR THE DISTRIC	S DISTRICT COURT T OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE.	) · ) IN EQUITY NO. C-125
6		) SUBFILE NO. C-125-B
7		)
8		ý
9	WALKER RIVER IRRIGATION DISTRICT; a corporation. et al.,	}
10	NOTICE OF APPEARANCE AND	INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this	sub-proceeding in this case.
12	2. I am filing this document with the D.	istrict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return o	f my Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider	
19	Attorney for the United States of Am United States Department of Justice	
20	Environment & Natural Resources Di P.O. Box 756	ivision
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am a	acting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the co	ourt except for objections based on a defer
24	in the Notice in Lieu of Summons or in the service of	f the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am a	cting) have retained an attorney to represer
26	me in these proceedings. I identify that attorney belo	ow, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PAR	TICIPATE, page 1 of 2

### Case 3:73 cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 380 of 383 Attorney: Address: Phone Number: Fax Number: (Signature) MENESIAS WALL (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 2025.0500 /BUNDIDY (Address) 775-462-3901 (Telephone number)

Se 3:73-cv-jou127-RCJ-WGC Docum	Tent 650 Filed 05/03/05 Page 381 ( - UFFICIAL RECURDS LYON COUNTY, NEV. RECORD REQUESTED BY
ADM	Randy Manesini
APN: 014-291-02	04 JUN 24 PH 12: 30
RPTT: \$ 46 80	MARY C. MILLIGAN COUNTY RECORDER
When Recorded mail to:	
Road Measin	FEE 150 DEP. Que
Yernaha NV 89447	
Grantees Address:	
Same	Recorders Use Only
Date: //24/04 GRANT	
FOR A VALUABLE CONSIDERATION, receipt of which Grace Leuta June Menesini, trus and Grace Leuta Suna Menesini do(es) hereby GRANT TO  Randy Ellis Menesini and Recommendation of the real property situate in the County of Lyon	- Maric Menesini
See Exh. tit "A"	
TOGETHER WITH all tenements, hereditaments and appu appertaining, and any reversion, remainders, rents, issues or	rtenances thereunto belonging or in anywise  reprofits thereof.
STATE OF NEVADA	
COUNTY OF NOTAL LYON	4050
	Stace of levening
On June 24, , 2004, before	Signature)
me, the undersigned, a Notary Public in and for said County and State, personally appeared	GRACE L. MENERAL
	Tens Tar
Grace L Menesini.	
TRUSTEE	(Signature)
known to me to be the person(s) whose name(s) is/are	
subscribed to the within instrument, and acknowledged	(Type or Print Name)
to me that he/she/they executed the same WITNESS my hand and official seal.	Notary Seal
	MARY NELSON

# Case 3:73-cv-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 382 of 383

### EXHIBIT "A"

A percel of land located in the SE 1/4 of the NE 1/4 of Section 28, T. 14 N., R. 25 E., M.D.B.&M., in Lyon County, Nevada, and described as follows:

Beginning at the Southeast corner of the parcel from which the East on quarter corner of said Section 28 bears S. 15° 17' 20" E., 1058.86 feet: thence

N. 0° 19' 30" E., 303.11 feet; thence N. 89° 49' 20" W., 220.00 feet; thence S. 0° 19' 30" W., 302.54 feet; thence S. 89° 40' 30" E., 220.00 feet to the point of beginning

APN: 014-291-02

### Case 3:73-cy-00127-RCJ-WGC Document 650 Filed 05/09/05 Page 383 of 383

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAULTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waive: of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in u of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.